

PB# 08-03

**Jeffrey Rosenberg
(Proposed Mavis Tire)**

65-2-12.1



TOWN OF NEW WINDSOR
PLANNING BOARD
APPROVED COPY
DATE: 10-8-08

2/27/08 Plans in gray Cabinet

2/27/08 Spoke to Diane at WVR.
she will let us know
when they are ready for
an agenda. @

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 10/15/2008

PAGE: 1

LISTING OF PLANNING BOARD **ACTIONS**

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 8-3

NAME: AUTO REPAIR SERVICE/SALES - BIG V PA2008-20
APPLICANT: JEFFREY ROSENBERG

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
10/08/2008	PLANS STAMPED	APPROVED
05/28/2008	P.B. APPEARANCE	SCHED PH



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

OFFICE OF THE PLANNING BOARD

September 3, 2008

WVR Real Estate II, LLC
162-5 North Main Street
Florida, NY 10921

ATTN: JEFFREY ROSENBERG

SUBJECT: P.B. 08-03 FEES DUE

Dear Jeffrey:

Please find attached printouts of fees due for subject project.

Please submit payment in separate checks, payable to the Town of New Windsor, as follows:

Check #1 – Approval Fee.....	\$	125.00
Check #2 – Amount over escrow posted.....	\$	522.20

Upon receipt of these checks and eight(8) sets of plans **(with at least five (5) sets being folded)**, I will have the plans stamped and signed approved.

If you have any questions in this regard, please contact my office.

Very truly yours,

Myra L. Mason
Myra L. Mason, Secretary To The
NEW WINDSOR PLANNING BOARD

MLM

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/03/2008

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 8-3

NAME: AUTO REPAIR SERVICE/SALES - BIG V PA2008-20
APPLICANT: JEFFREY ROSENBERG

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
02/14/2008	REC CK. #1787	PAID		750.00	
05/28/2008	P.B. MINUTES	CHG	112.00		
07/09/2008	P.B. MINUTES	CHG	56.00		
07/17/2008	P.B. ENGINEER	CHG	719.20		
07/17/2008	P.B. ATTY	CHG	385.00		
		TOTAL:	1272.20	750.00	522.20

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 09/03/2008

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
APPROVAL

FOR PROJECT NUMBER: 8-3

NAME: AUTO REPAIR SERVICE/SALES - BIG V PA2008-20
APPLICANT: JEFFREY ROSENBERG

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
09/03/2008	APPROVAL FEE	CHG	125.00		
			-----	-----	-----
		TOTAL:	125.00	0.00	125.00

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PUBLIC HEARINGS:

WVR_REAL_ESTATE_II,_LLC_-_SITE_PLAN_AMENDMENT_AND_
SPECIAL_PERMIT_(08-03)

MR. ARGENIO: WVR Real Estate, LLC. This application proposes conversion of a former video store at the southerly corner of the site to an auto repair facility. Prior application number 98-15. This application was reviewed at the 27 February, 2008 planning board and 28 May, 2008 planning board. This application is here for a public hearing at this time. This is the mandatory public hearing. I see Mr. Rosenberg is here to represent this.

MR. ROSENBERG: Yes.

MR. ARGENIO: Can you tell us about this, Jeff, and give us a brief overview? We're certainly familiar.

MR. ROSENBERG: I'm with WVR Real Estate, we own the Big V Town Center and this is Mavis Tire, used to be, the building was Hollywood Video. There's no changes to the entrance or the site except that the building will be reconfigured for a discount tire shop. We also have David Sabarro from Mavis here to answer any questions that anybody might have.

MR. ARGENIO: I'm going to open this up to the public because the board is I think we're fairly familiar with this package that Mr. Rosenberg is proposing. On the 27th day of June, 122 envelopes went out containing the notice of public hearing for this application. If there's anybody here in the audience that would like to speak for or against or comment on this application, please raise your hand and be recognized and you'll be afforded the opportunity to speak. Yes, sir, come forward please and give Franny your name for the record.

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MR. BRAUN: Leo Braun. I know Jeff cause I used to work in his store.

MR. VAN LEEUWEN: Can you speak a little louder so we can hear you?

MR. BRAUN: I apologize. My main concern is the parking, in the Big V complex when you come off of the road down the ramp you have to turn to the left and it's no problem at all coming in, when you turn to the right to the front again no problem but when you get farther back in that area it's concrete, you can't park any further beyond one lane. What's going to be resolved with this?

MR. ROSENBERG: I guess I'm confused.

MR. ARGENIO: Where are you on the project, Mr. Braun?

MR. ROSENBERG: Let's look at the project, okay, so here's the site plan of the site.

MR. ARGENIO: Jeff, put it on the board so we can see what you're going to do, point on the drawing to where you're referring to.

MR. BRAUN: If I'm not mistaken this is the area.

MR. ROSENBERG: Right here?

MR. ARGENIO: No, that's the wrong end of the site.

MR. BRAUN: This is the area here, right, and then there's only room for one parking here. Is there any way to extend it?

MR. ROSENBERG: This actually underneath here is a water quality basin so actually underneath was required by the DEC for us to put a system of pipes and drainage to allow some of the water coming off of this property

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to go into there then it gets filtered before it gets dispersed into the water system. So there's no way for us to extend the parking lot.

MR. ARGENIO: There's an underground pond and those underground ponds are subject to DEC review and design and requires that they not be, they not be impervious surface, you can't pave on top of them but I do want to go to Mark for a second. Mark, can you speak to the parking calculations for this use in this area?

MR. EDSALL: Obviously, this is a very large site and I believe the original application was back in the late '90s.

MR. ROSENBERG: Yes.

MR. EDSALL: And this application does not create any non-conformance, it's consistent with your prior approval. So if there's no problem with the parking relative to all the prior approvals and I will agree with you that the storm water facilities can't be disturbed, they are mandated by the DEC.

MR. ARGENIO: Correct, I will say this to you to, I shop there at Shop Rite as I do Hannafords and Price Chopper. This area right here, see that area that's never full so I don't know that I entirely agree with you about the parking issue. This is never full, there's always space in this area here, this fills up because it's the main entrance, second entrance is here, this area there's always space, I don't know that I entirely agree with the issue but it meets code.

MR. BRAUN: I'll have to admit there's parking here, no problem but the thing is is that with that I would call it a barrier, it can't go beyond this.

MR. ROSENBERG: Right, we can't and that was designed by the DEC because of the underground water retention

basin that's there, actually there are, there's one here, there's one over here on the site and then there are two more, there's one here and then there's one back here so there are four other, three other areas on the site that are underground that you don't know it's there cleaning the water before it gets dispersed into the ground water.

MR. ARGENIO: Typically on those sites those water quality facilities are above ground, there's one in front of that condo complex just south of the 32-Union Avenue intersection and they try to shield it with bushes but quite frankly it looks pretty crummy and I happen to know that Mr. Rosenberg spent a lot of money to put these facilities underground so he would meet the parking requirements and have the necessary overflow parking.

MR. BRAUN: I was aware of the fact because I used to work in the store.

MR. ROSENBERG: When, when it was over here?

MR. ARGENIO: You worked in the liquor store?

MR. BRAUN: Yes.

MR. ARGENIO: Did you have anything else?

MR. BRAUN: That's it.

MR. ARGENIO: Thank you. Anybody else like to speak? I will accept a motion we close the public hearing.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board close the public

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hearing for WVR site plan. I'll have a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: I'm going to let you guys speak if anybody has anything.

MR. SCHLESINGER: Who's familiar with the actual day-to-day operations?

MR. SABARRO: I am.

MR. ROSENBERG: Mr. Sabarro from Mavis Tire.

MR. SCHLESINGER: What do you do with the tires that are taken off the cars and that have no use?

MR. SABARRO: There's a company that takes them away and recycles them, some get burned in cement factories.

MR. SCHLESINGER: Where do you keep those tires?

MR. SABARRO: All inside, they're taken out a couple times a week.

MR. SCHLESINGER: We're not going to see a tractor trailer parked on the side of the building that you put your tires in and then once a month or whatever it is they come and take them away?

MR. SABARRO: Correct.

MR. SCHLESINGER: All of your tires that are taken off the cars are kept in your facility?

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MR. SABARRO: Correct, there's a section of the building here that's designed for that.

MR. ARGENIO: That's a very good point.

MR. SCHLESINGER: My other point is I'm assuming that if we go to the site plan again I'm sorry guys dumpster's in the lower left-hand corner?

MR. ROSENBERG: Right here and there's an enclosure around it.

MR. SCHLESINGER: Top left of the building what does that show the road bump?

MR. ROSENBERG: It's a walkway, that's a stripe.

MR. SCHLESINGER: So there's access actually you can drive around the building?

MR. ROSENBERG: Yes.

MR. SCHLESINGER: That's it.

MR. BROWN: Nothing.

MR. ARGENIO: I also had mentioned that there was a broken catch basin in the rear of the building that has been fixed, I don't know when it was fixed but it's fixed, it was a pedestrian hazard. Does anybody else have anything?

MR. VAN LEEUWEN: If he didn't fix it his grandfather would get out of the grave and fix it himself cause I knew his grandfather quite well.

MR. ARGENIO: We've heard from county and they have said local determination, highway's approved, fire is approved.

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MR. VAN LEEUWEN: Make a motion.

MR. ARGENIO: If anybody sees fit, I'll accept a motion we declare negative dec under the SEQRA process.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that we declare negative dec under the SEQRA process for WVR Real Estate site plan.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. VAN LEEUWEN: Make a motion for final approval.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer final approval for WVR site plan for the Mavis Tire building formally Hollywood Video. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: One last thing, Mr. Rosenberg, don't

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forget about our discussion about the crosswalk, when that thing begins across the street we'll give you a buzz on that.

MR. ROSENBERG: Just so you guys know, I don't know if you guys are aware, there's another development going in across the street that's a senior housing and we have agreed to share in the cost of providing a crosswalk across to our shopping center. I think the Town of New Windsor was also going to look into the possibility of putting some pedestrian light if we can get that done.

MR. ARGENIO: That's going to be a herculean task with the DOT but certainly something that we spoke about.

MR. ROSENBERG: I would certainly support that.

MR. EDSALL: I just want to remind the board that the board asked that note number 1 be expanded to be more clear and Jeff and I were working on that subject to Dom's review of what we work out so that will be on the final plan.

MR. ARGENIO: Are you okay with that, Jeff?

MR. ROSENBERG: Yeah.

MR. ARGENIO: Thank you for coming in.



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE

33 AIRPORT CENTER DRIVE
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NEW WINDSOR, NEW YORK 12553

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**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: WVR REAL ESTATE (BIG V PLAZA) SITE PLAN AMENDMENT
(PROPOSED AUTO REPAIR SERVICE/SALES)

PROJECT LOCATION: NYS ROUTE 32
SECTION 65 – BLOCK 2 – LOT 12.1

PROJECT NUMBER: 08-03

DATE: 9 JULY 2008

DESCRIPTION: THE APPLICATION PROPOSES THE CONVERSION OF THE FORMER VIDEO STORE AT THE SOUTHERLY CORNER OF THE SITE TO AN AUTO REPAIR FACILITY (PRIOR APPLICATION NO. 98-15). THE APPLICATION WAS PREVIOUSLY REVIEWED AT THE 27 FEBRUARY 2008 (Meeting Appearance Cancelled) AND 28 MAY 2008 PLANNING BOARD MEETING. ***THE APPLICATION IS BEFORE THE BOARD FOR A PUBLIC HEARING AT THIS MEETING.***

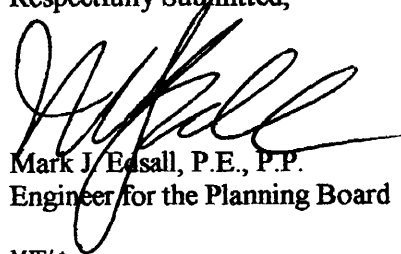
1. The project is located in the Design Shopping (C) zoning district of the Town. The proposed use is a Special Permit in the Zone (which requires the mandatory Public Hearing being held tonight).
2. All previous comments have been addressed regarding the plan, with the exception of the coordination of the final notes on the plan, which is "in progress". If the Board considers a conditional approval, this should be included as a condition.
3. This project is adjacent to NYS Route 32, a State Highway, as such, the plan has been referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239). A "Local Determination" response was received dated 6-18-08.
4. The Planning Board may wish to classify this action as an "unlisted action" under SEQRA, and consider a "negative declaration" of environmental significance, based on the information presented and reviewed.

REGIONAL OFFICES

• 111 WHEATFIELD DRIVE • SUITE 1 • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

5. Prior to considering Special Permit Approval, the Board should make the following determinations with regard to the application:
 - That all proposed structures, equipment or materials are readily accessible for fire and police protection.
 - That the proposed use and layout are in harmony with the orderly development of the zoning district, and will not have a detrimental effect on the adjacent properties.
6. We are aware of no other outstanding issues. If any concerns are identified as part of the Public Hearing, we will be pleased to review same, as deemed appropriate by the Board.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

MJE/st
NW08-03-09July08.doc

**RESOLUTION ADOPTING A NEGATIVE DECLARATION
FOR A SITE PLAN AMENDMENT AND SPECIAL USE PERMIT APPLICATION**

*WVR Real Estate (Big V Plaza) Site Plan Amendment
PB #08-03*

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a site plan amendment and special use permit by WVR Real Estate (the "applicant") for a project described as the "WVR Real Estate (Big V Plaza) Site Plan Amendment";

WHEREAS, the subject site is comprised of one tax map parcel in the Town of New Windsor identified on the tax map as section 65, block 2, and lot 12.1 (SBL 65-2-12.1); and

WHEREAS, the action involves a request for a site plan amendment approval and special use permit for an auto repair service/auto parts sales facility; and

WHEREAS, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted an uncoordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed site plan layout, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, a duly advertised public hearing on the application for site plan amendment approval and special use permit was held on July 9, 2008 at which time all those wishing to be heard were given the opportunity to heard; and

WHEREAS, on July 9, 2008 the public hearing on the application for site plan amendment approval and special use permit was closed; and

WHEREAS, the application and related materials were submitted to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m, and OCDP responded on June 18, 2008 recommending local determination; and

*7/15/08
Sent copy to WVR*

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the applicant has submitted a proposed site plan consisting of one sheet, prepared by Langan Engineering and Environmental Services dated April 18, 2008, with no revisions; and

WHEREAS, the Planning Board has determined that the Proposed Action minimizes or avoids significant environmental impacts and, therefore, the accompanying Negative Declaration is hereby adopted as part of the approval of site plan amendment and special use permit.

NOW, THEREFORE, be it resolved as follows:

1. The Planning Board is lead agency for an uncoordinated review of this action;
2. This is an Unlisted Action for SEQRA purposes;
3. The EAF submitted by the applicant has been fully reviewed and considered by the Planning Board;
4. Having reviewed with due care and diligence the EAF submitted by the applicant, the application herein and all pertinent documentation and testimony received at the public hearing, it is determined that the proposed action will not have, nor does it include, the potential for significant adverse environmental impacts;
5. The Planning Board hereby adopts the SEQRA "Negative Declaration" annexed hereto.

Upon motion made by Member Van Leeuwen, seconded by Member Schlesinger, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher Aye Nay Abstain Absent

Member, Howard Brown Aye Nay Abstain Absent

Member, Neil Schlesinger Aye Nay Abstain Absent

Member, Henry Vanleeuwen Aye Nay Abstain Absent

Chairman, Genaro Argenio Aye Nay Abstain Absent


Alternate, Henry Schieble Aye Nay Abstain Absent

Dated: July 9, 2008
 New Windsor, New York

 *Neil Schlesinger*

NEIL Schlesinger, Secretary
Genaro Argenio, Chairman

Filed in the Office of the Town Clerk on this 16th day
of July ____, 2008.


Deborah Green
Town Clerk

**TOWN OF NEW WINDSOR PLANNING BOARD
COUNTY OF ORANGE**

NEGATIVE DECLARATION

*WVR Real Estate (Big V Plaza) Site Plan Amendment
PB #08-03*

PLEASE TAKE NOTICE that, according to the provisions of Article 8 of the Environmental Conservation Law and the New York Code of Rules and Regulations Part 617, the Town of New Windsor Planning Board has adopted a Negative Declaration for the project named below. The Planning Board is serving as Lead Agency for this Unlisted Action, for an uncoordinated review of this Unlisted Action.

Name of Project: WVR Real Estate (Big V Plaza) Site Plan Amendment
Action Type: Unlisted Action; uncoordinated Review
Location: New York State Route 32
Tax Map Parcel: Section 65, Block 2, Lot 12.1

Summary of Action:

The action involves a request for site plan amendment approval and special permit for the conversion of retail space to an auto repair service and auto parts retail facility.

Reasons Supporting the Negative Declaration:

Based on its consideration of the available information, the Planning Board finds there would be no significant adverse environmental effects associated with granting site plan amendment approval and special permit for the conversion of the existing retail facility. With respect to traffic patterns, traffic safety and emergency access, the proposed project will have access to New York State Route 32. With respect to water and sewer resources, the facility will be served by public water and sewer. The site does not constitute significant habitat area for flora or fauna. The site is zoned for commercial use, and it is surrounded by other existing commercial uses, and will not have any impact on any cultural resource. The proposed site plan is considered to comply with all currently existing zoning requirements and municipal plans for the Town of New Windsor, and is consistent with the community character. Visual impacts, traffic, solid waste generation, energy consumption, nor public service demands would be significant or excessive for the development associated with this proposed site plan. No other potentially significant harmful environmental impacts are identified.

Date of Adoption of Negative Declaration: July 9, 2008

Agency Address: Town of New Windsor Planning Board
Town Hall – 555 Union Avenue
New Windsor, New York 12553
Tel. (845) 563-4615

Contact Person: Genaro Argenio, Planning Board Chairman

**RESOLUTION GRANTING SITE PLAN APPROVAL
FOR AN AUTO REPAIR SERVICE/AUTO PARTS SALES FACILITY**

*WVR Real Estate (Big V Plaza) Site Plan Amendment
PB #08-03*

WHEREAS, an application was made to the Planning Board of the Town of New Windsor for approval of a site plan amendment and special use permit by WVR Real Estate (the "applicant") for a project described as the "WVR Real Estate (Big V Plaza) Site Plan Amendment";

WHEREAS, the subject site is comprised of one tax map parcel in the Town of New Windsor identified on the tax map as section 65, block 2, and lot 12.1 (SBL 65-2-12.1); and

WHEREAS, the action involves a request for a site plan amendment approval and special use permit for an auto repair service/auto parts sales facility; and

WHEREAS, the applicant has submitted a fully executed short form Environmental Assessment Form ("EAF") pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Planning Board conducted an uncoordinated SEQRA review for this project; and

WHEREAS, during the course of the Planning Board's review of the Applicant's proposed site plan layout, the Planning Board received and considered correspondence from the public as well as the Town's consultants; and

WHEREAS, a duly advertised public hearing on the application for site plan amendment approval and special use permit was held on July 9, 2008 at which time all those wishing to be heard were given the opportunity to heard; and

WHEREAS, on July 9, 2008 the public hearing on the application for site plan amendment approval and special use permit was closed; and

WHEREAS, the application and related materials were submitted to the Orange County Planning Department ("OCDP") for its review pursuant to the requirements of the General Municipal Law § 239-m, and OCDP responded on June 18, 2008 recommending local determination; and

*10/15/08
Sent copy to WVR*

WHEREAS, the Planning Board has carefully considered all of the comments raised by the public, the Board's consultants, and other interested agencies, organizations and officials, including those presented at numerous meetings of the Board as well as those submitted separately in writing; and

WHEREAS, the applicant has submitted a proposed site plan consisting of one sheet, prepared by Langan Engineering and Environmental Services dated April 18, 2008, with no revisions; and

WHEREAS, the Planning Board has heretofore determined that the Proposed Action minimizes or avoids significant environmental impacts and, adopted a Negative Declaration as part of the approval of site plan amendment and special use permit.

NOW, THEREFORE, the Planning Board finds that the applicant has satisfied the requirements of Town Code § 300-86 and approves the site plan amendment and special use permit subject to the following terms and conditions:

1. The applicant shall pay all outstanding fees due the Town in connection with this application;
2. The applicant shall make any required revisions to the site plan to the satisfaction of the Planning Board Engineer and Planning Board Attorney;
3. The applicant shall secure all necessary permits, approvals and authorizations required from any other agency, if required;
4. The applicant shall submit proof of satisfaction of the foregoing conditions and submit a plan for signature within 360 days of the date of this resolution. The Planning Board hereby grants the two (2) ninety (90) day extensions as authorized by Town Law § 276(7)(c). This approval will expire on July 6, 2009, and no further extensions can be granted.

Upon motion made by Member Van Leeuwen, seconded by Member Schlesinger, the foregoing resolution was adopted as follows:

Member, Daniel Gallagher

☒ Aye ☐ Nay ☐ Abstain ☐ Absent

Member, Howard Brown

Aye Nay Abstain Absent

Member, Neil Schlesinger

Aye Nay Abstain Absent

Member, Henry Vanleeuwen

Aye Nay Abstain Absent

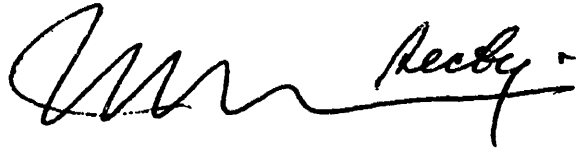
Chairman, Genaro Argenio

Aye Nay Abstain Absent

Alternate, Henry Schieble

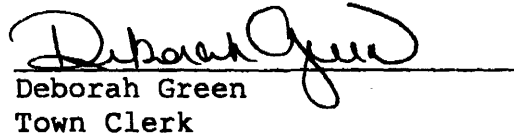
Aye Nay Abstain Absent

Dated: July 9, 2008
New Windsor, New York


Neil Schlesinger, Secy.

~~Genaro Argenio, Chairman~~

Filed in the Office of the Town Clerk on this 16th day
of July ____, 2008.


Deborah Green
Town Clerk



RESULTS OF P.B. MEETING OF:

July 9, 2008

PROJECT: WVR Real Estate

P.B. # 08-03



LEAD AGENCY:

AUTHORIZE COORD. LETTER: Y ☐ N ☐

TAKE LEAD AGENCY: Y ☐ N ☐

M) ☐ S) ☐ VOTE: A ☐ N ☐

CARRIED: Y ☐ N ☐

NEGATIVE DEC:

M) ☒ S) Schl VOTE: A 5 N 0

CARRIED: Y ☒ N ☐

PUBLIC HEARING: WAIVED: ☐ CLOSED: ☒ FINAL: ☐

M) ☒ S) Schl VOTE: A 5 N 0 SCHEDULE P.H.: Y ☐ N ☐

SEND TO O.C. PLANNING: Y ☐ RETURN TO WORK SHOP: Y ☐ N ☐

SEND TO DEPT. OF TRANS: Y ☐ REFER TO Z.B.A.: M) ☐ S) ☐ VOTE: A ☐ N ☐

APPROVAL:

CONCEPTUAL: ☐ PRELIMINARY: ☐ COND. FINAL: ☒ FINAL: ☐

M) ☒ S) Schl VOTE: A 5 N 0 APPROVED: ☐

NEED NEW PLANS: Y ☐ N ☐

CONDITIONS - NOTES:

Leo Braux: Spoke re. parking in front of building

MEETING DATE:

Date	Received From/Paid To	Che#	Repts	General	Fees	Bld	Trust Activity	
Entry #	Explanation	Rec#		Disbs		Inv#	Acc	Repts
12132 TOWN OF NEW WINDSOR								
6185903	MAVIS DISCOUNT TIRE SITE PLAN AND SUP PB# 08-							Resp Lawyer: JRL
Feb 25/2008	Lawyer: DRC 0.20 Hrs X 175.00				35.00	6802		
125423	REVIEW M EDSALL'S COMMENTS PB# 08-03							
Feb 27/2008	Lawyer: DRC 0.10 Hrs X 175.00				17.50	6802		
126588	ATTEND PLANNING BOARD MEETING PB# 08-03							
Mar 14/2008	Billing on Invoice 6802			0.00		6802		
130129	FEES 52.50							
Apr 4/2008	TOWN OF NEW WINDSOR	013144	52.50					
135296	PMT - PAYMENT ON ACCOUNT							
May 20/2008	Lawyer: DRC 0.20 Hrs X 175.00				35.00	7849		
146595	REVIEW SITE PLAN PB# 08-03							
May 21/2008	Lawyer: DRC 0.20 Hrs X 175.00				35.00	7849		
149168	REVIEW M EDSALL'S COMMENTS PB# 08-03							
May 28/2008	Lawyer: ALR 0.40 Hrs X 175.00				70.00	7849		
148969	REVIEW AND PREPARE FOR WVR SITE PLAN APPLICATION							
Jun 9/2008	Billing on Invoice 7849			0.00		7849		
151579	FEES 140.00							
Jun 20/2008	TOWN OF NEW WINDSOR	013801	70.00					
154945	PMT - PAYMENT ON ACCOUNT							
Jun 20/2008	TOWN OF NEW WINDSOR	013801	70.00					
154946	PMT - PAYMENT ON ACCOUNT							
Jul 7/2008	Lawyer: DRC 0.10 Hrs X 175.00				17.50			
160509	REVIEW OCPD'S 239 REPORT PB# 08-08							
Jul 9/2008	Lawyer: DRC 0.20 Hrs X 175.00				35.00			
165033	REVIEW M EDSALL'S COMMENTS PB# 08-03							
Jul 9/2008	Lawyer: DRC 0.20 Hrs X 175.00				35.00			
165034	ATTEND PLANNING BOARD MEETING PB# 08-03							
Jul 9/2008	Lawyer: DRC 0.10 Hrs X 175.00				17.50			
165035	REVIEW OCPD'S 239 REPORT PB# 08-03							
Jul 10/2008	Lawyer: DRC 0.40 Hrs X 175.00				70.00			
165063	PREPARE DRAFT RESOLUTIONS OF APPROVAL AND DRAFT NEG DEC PB# 08-03							
Jul 10/2008	Lawyer: DRC 0.10 Hrs X 175.00				17.50			
165064	AGGREGATE TIME SPENT ON VARIOUS EMAILS PB# 08-03							
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PERIOD	0.00 0.00 192.50 192.50			0.00	192.50	0.00 192.50	0.00	0.00

REPORT SELECTIONS - Client Ledger

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Matter Intro Lawyer
Responsible Lawyer
Assigned Lawyer
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Entries Shown - Receipts
Entries Shown - Time or Fees
Entries Shown - Trust
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Incl. Matters with Neg Unbld Disb
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Tuesday, July 29, 2008 at 11:27:35 AM
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6185903
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No
Dec 31/2199
No
No
Yes
Yes
Yes
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All
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Register

385.00

Jul 17/2008

Drake, Loeb, Keller, Kennedy, Gogerty, Gaba & Rodd PLLC

Page: 1

Client Ledger
ALL DATES

Date	Received From/Paid To	Che#	Repts	General	Fees	Bld	Trust Activity	Balance
Entry #	Explanation	Rec#		Disbs		Inv#	Disbs	
12132	TOWN OF NEW WINDSOR							
6185903	MAVIS DISCOUNT TIRE SITE PLAN AND SUP FD# 08-							

Resp Lawyer: JRL

UNBILLED					BILLED					BALANCES	
TOTALS	CHE	+ RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX	- RECEIPTS	= A/R	TRUST	
PERIOD	0.00	0.00	17.50	17.50	0.00	192.50	0.00	192.50	0.00	0.00	
END DATE	0.00	0.00	17.50	17.50	0.00	192.50	0.00	192.50	0.00	0.00	

UNBILLED					BILLED					BALANCES	
FIRM TOTAL	CHE	+ RECOV	+ FEES	= TOTAL	DISBS	+ FEES	+ TAX	- RECEIPTS	= A/R	TRUST	
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REPORT SELECTIONS - Client Ledger

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Entries Shown - Disbursements	Yes
Entries Shown - Receipts	Yes
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Entries Shown - Trust	Yes
Incl. Matters with Retainer Bal	No
Incl. Matters with Neg Unbld Disb	No
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Working Lawyer	All
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Show Check # on Paid Payables	No
Show Client Address	No
Consolidate Payments	No
Show Trust Summary by Account	No

Date	Received From/Paid To	Chas#	Repts	General	Fees	Bld	Trust Activity	Balance
Entry #	Explanation	Rec#		Disbs		Inv#	Repts	
12132	TOWN OF NEW WINDSOR							
6185903	MAVIS DISCOUNT TIRE SITE PLAN AND SUP PB# 08-							
Feb 25/2008	Lawyer: DRC 0.20 Hrs X 175.00				35.00	6802		Resp Lawyer: JRL
125423	REVIEW M EDSALL'S COMMENTS PB# 08-03							
Feb 27/2008	Lawyer: DRC 0.10 Hrs X 175.00				17.50	6802		
126588	ATTEND PLANNING BOARD MEETING PB# 08-03							
Mar 14/2008	Billing on Invoice 6802			0.00		6802		
130129	FEES 52.50							
Apr 4/2008	TOWN OF NEW WINDSOR	013144	52.50					
135296	PMT - PAYMENT ON ACCOUNT							
May 20/2008	Lawyer: DRC 0.20 Hrs X 175.00				35.00	7849		
146595	REVIEW SITE PLAN PB# 08-03							
May 21/2008	Lawyer: DRC 0.20 Hrs X 175.00				35.00	7849		
149168	REVIEW M EDSALL'S COMMENTS PB# 08-03							
May 28/2008	Lawyer: ALR 0.40 Hrs X 175.00				70.00	7849		
148969	REVIEW AND PREPARE FOR WVR SITE PLAN APPLICATION							
Jun 9/2008	Billing on Invoice 7849			0.00		7849		
151579	FEES 140.00							
Jun 20/2008	TOWN OF NEW WINDSOR	013801	70.00					
154945	PMT - PAYMENT ON ACCOUNT							
Jun 20/2008	TOWN OF NEW WINDSOR	013801	70.00					
154946	PMT - PAYMENT ON ACCOUNT							
Jul 7/2008	Lawyer: DRC 0.10 Hrs X 175.00				17.50			
160509	REVIEW OCPD'S 239 REPORT PB# 08-08							

TOTALS	CHE	UNBILLED	RECOV	FEES	TOTAL	DISBS	BILLED	TAX	RECEIPTS	BALANCES	TRUST
PERIOD	0.00		0.00	17.50	17.50	0.00	192.50	0.00	192.50	A/R 0.00	0.00

REPORT SELECTIONS - Client Ledger

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 Entries Shown - Disbursements Yes
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 Entries Shown - Trust Yes
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 Incl. Matters with Neg Unbld Disb No
 Trust Account All
 Working Lawyer All
 Include Corrected Entries No
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 Show Client Address No
 Consolidate Payments No
 Show Trust Summary by Account No
 Printed from Register

PUBLIC HEARINGS:

WVR_REAL_ESTATE_II, LLC - SITE PLAN AMENDMENT AND
SPECIAL PERMIT (08-03)

MR. ARGENIO: WVR Real Estate, LLC. This application proposes conversion of a former video store at the southerly corner of the site to an auto repair facility. Prior application number 98-15. This application was reviewed at the 27 February, 2008 planning board and 28 May, 2008 planning board. This application is here for a public hearing at this time. This is the mandatory public hearing. I see Mr. Rosenberg is here to represent this.

MR. ROSENBERG: Yes.

MR. ARGENIO: Can you tell us about this, Jeff, and give us a brief overview? We're certainly familiar.

MR. ROSENBERG: I'm with WVR Real Estate, we own the Big V Town Center and this is Mavis Tire, used to be, the building was Hollywood Video. There's no changes to the entrance or the site except that the building will be reconfigured for a discount tire shop. We also have David Sabarro from Mavis here to answer any questions that anybody might have.

MR. ARGENIO: I'm going to open this up to the public because the board is I think we're fairly familiar with this package that Mr. Rosenberg is proposing. On the 27th day of June, 122 envelopes went out containing the notice of public hearing for this application. If there's anybody here in the audience that would like to speak for or against or comment on this application, please raise your hand and be recognized and you'll be afforded the opportunity to speak. Yes, sir, come forward please and give Franny your name for the record.

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MR. BRAUN: Leo Braun. I know Jeff cause I used to work in his store.

MR. VAN LEEUWEN: Can you speak a little louder so we can hear you?

MR. BRAUN: I apologize. My main concern is the parking, in the Big V complex when you come off of the road down the ramp you have to turn to the left and it's no problem at all coming in, when you turn to the right to the front again no problem but when you get farther back in that area it's concrete, you can't park any further beyond one lane. What's going to be resolved with this?

MR. ROSENBERG: I guess I'm confused.

MR. ARGENIO: Where are you on the project, Mr. Braun?

MR. ROSENBERG: Let's look at the project, okay, so here's the site plan of the site.

MR. ARGENIO: Jeff, put it on the board so we can see what you're going to do, point on the drawing to where you're referring to.

MR. BRAUN: If I'm not mistaken this is the area.

MR. ROSENBERG: Right here?

MR. ARGENIO: No, that's the wrong end of the site.

MR. BRAUN: This is the area here, right, and then there's only room for one parking here. Is there any way to extend it?

MR. ROSENBERG: This actually underneath here is a water quality basin so actually underneath was required by the DEC for us to put a system of pipes and drainage to allow some of the water coming off of this property

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to go into there then it gets filtered before it gets dispersed into the water system. So there's no way for us to extend the parking lot.

MR. ARGENIO: There's an underground pond and those underground ponds are subject to DEC review and design and requires that they not be, they not be impervious surface, you can't pave on top of them but I do want to go to Mark for a second. Mark, can you speak to the parking calculations for this use in this area?

MR. EDSALL: Obviously, this is a very large site and I believe the original application was back in the late '90s.

MR. ROSENBERG: Yes.

MR. EDSALL: And this application does not create any non-conformance, it's consistent with your prior approval. So if there's no problem with the parking relative to all the prior approvals and I will agree with you that the storm water facilities can't be disturbed, they are mandated by the DEC.

MR. ARGENIO: Correct, I will say this to you to, I shop there at Shop Rite as I do Hannafords and Price Chopper. This area right here, see that area that's never full so I don't know that I entirely agree with you about the parking issue. This is never full, there's always space in this area here, this fills up because it's the main entrance, second entrance is here, this area there's always space, I don't know that I entirely agree with the issue but it meets code.

MR. BRAUN: I'll have to admit there's parking here, no problem but the thing is is that with that I would call it a barrier, it can't go beyond this.

MR. ROSENBERG: Right, we can't and that was designed by the DEC because of the underground water retention

basin that's there, actually there are, there's one here, there's one over here on the site and then there are two more, there's one here and then there's one back here so there are four other, three other areas on the site that are underground that you don't know it's there cleaning the water before it gets dispersed into the ground water.

MR. ARGENIO: Typically on those sites those water quality facilities are above ground, there's one in front of that condo complex just south of the 32-Union Avenue intersection and they try to shield it with bushes but quite frankly it looks pretty crummy and I happen to know that Mr. Rosenberg spent a lot of money to put these facilities underground so he would meet the parking requirements and have the necessary overflow parking.

MR. BRAUN: I was aware of the fact because I used to work in the store.

MR. ROSENBERG: When, when it was over here?

MR. ARGENIO: You worked in the liquor store?

MR. BRAUN: Yes.

MR. ARGENIO: Did you have anything else?

MR. BRAUN: That's it.

MR. ARGENIO: Thank you. Anybody else like to speak? I will accept a motion we close the public hearing.

MR. VAN LEEUWEN: So moved.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board close the public

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hearing for WVR site plan. I'll have a roll call.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE
MR. GALLAGHER AYE
MR. VAN LEEUWEN AYE
MR. ARGENIO AYE

MR. ARGENIO: I'm going to let you guys speak if anybody has anything.

MR. SCHLESINGER: Who's familiar with the actual day-to-day operations?

MR. SABARRO: I am.

MR. ROSENBERG: Mr. Sabarro from Mavis Tire.

MR. SCHLESINGER: What do you do with the tires that are taken off the cars and that have no use?

MR. SABARRO: There's a company that takes them away and recycles them, some get burned in cement factories.

MR. SCHLESINGER: Where do you keep those tires?

MR. SABARRO: All inside, they're taken out a couple times a week.

MR. SCHLESINGER: We're not going to see a tractor trailer parked on the side of the building that you put your tires in and then once a month or whatever it is they come and take them away?

MR. SABARRO: Correct.

MR. SCHLESINGER: All of your tires that are taken off the cars are kept in your facility?

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MR. SABARRO: Correct, there's a section of the building here that's designed for that.

MR. ARGENIO: That's a very good point.

MR. SCHLESINGER: My other point is I'm assuming that if we go to the site plan again I'm sorry guys dumpster's in the lower left-hand corner?

MR. ROSENBERG: Right here and there's an enclosure around it.

MR. SCHLESINGER: Top left of the building what does that show the road bump?

MR. ROSENBERG: It's a walkway, that's a stripe.

MR. SCHLESINGER: So there's access actually you can drive around the building?

MR. ROSENBERG: Yes.

MR. SCHLESINGER: That's it.

MR. BROWN: Nothing.

MR. ARGENIO: I also had mentioned that there was a broken catch basin in the rear of the building that has been fixed, I don't know when it was fixed but it's fixed, it was a pedestrian hazard. Does anybody else have anything?

MR. VAN LEEUWEN: If he didn't fix it his grandfather would get out of the grave and fix it himself cause I knew his grandfather quite well.

MR. ARGENIO: We've heard from county and they have said local determination, highway's approved, fire is approved.

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MR. VAN LEEUWEN: Make a motion.

MR. ARGENIO: If anybody sees fit, I'll accept a motion we declare negative dec under the SEQRA process.

MR. VAN LEEUWEN: So moved.

MR. BROWN: Second it.

MR. ARGENIO: Motion has been made and seconded that we declare negative dec under the SEQRA process for WVR Real Estate site plan.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. VAN LEEUWEN: Make a motion for final approval.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the Town of New Windsor Planning Board offer final approval for WVR site plan for the Mavis Tire building formally Hollywood Video. Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. GALLAGHER	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

MR. ARGENIO: One last thing, Mr. Rosenberg, don't

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forget about our discussion about the crosswalk, when that thing begins across the street we'll give you a buzz on that.

MR. ROSENBERG: Just so you guys know, I don't know if you guys are aware, there's another development going in across the street that's a senior housing and we have agreed to share in the cost of providing a crosswalk across to our shopping center. I think the Town of New Windsor was also going to look into the possibility of putting some pedestrian light if we can get that done.

MR. ARGENIO: That's going to be a herculean task with the DOT but certainly something that we spoke about.

MR. ROSENBERG: I would certainly support that.

MR. EDSALL: I just want to remind the board that the board asked that note number 1 be expanded to be more clear and Jeff and I were working on that subject to Dom's review of what we work out so that will be on the final plan.

MR. ARGENIO: Are you okay with that, Jeff?

MR. ROSENBERG: Yeah.

MR. ARGENIO: Thank you for coming in.

REGULAR ITEMS:

WVR_REAL_ESTATE_II, LLC - SITE PLAN AMENDMENT AND

SPECIAL PERMIT (08-03)

MR. ARGENIO: This application proposes conversion of the former video store at the southerly corner of the site to an auto repair facility, prior application number 98-15, you guys get it, 98 is the year, 15 is the number. A previous review of the plans was prepared on 27 February, 2008, although no meeting appearances occurred. I understand Mr. Rosenberg is representing this and his engineer was still dancing a bit on the final plans and maybe he was dancing as a tenant, whatever it was I don't care, he's here now. I want to say for the benefit of the board members and the record that I had dinner with Mr. Rosenberg tonight, my firm, and we had a nice meal, we ate at Neil's restaurant, the Town Supervisor is very emphatic with all the board members and department heads about ethics. As such, I make the following disclosure. We had a nice meal tonight and our relationship existed long before this. My grandfather and my uncle and my father did a lot of construction work for the Rosenberg family, be that Mr. Rosenberg who's Jeff's grandfather or Dick Rosenberg who's Jeff's dad who was the founding, one of the founding partners of Woodbury Commons as some of you may or may not know, so my family has done a lot of work with the Rosenbergs over the years, we did the rehab of the Big V Plaza back in '96, Jeff?

MR. ROSENBERG: '98.

MR. ARGENIO: '98 for the Rosenberg family and Jeff and I we know each other a long time and he called me today to say hey, I'll be in Newburgh for the meeting tonight, do you want to take a few moments and have begin dinner before the meeting? I said that would be

great and at that dinner we did not discuss this application at all and I paid for the meal. Adam, how's that for disclosure?

MR. RODD: Very good, comprehensive.

MR. ARGENIO: Thanks for the compliment. Jeff, tell us what you're doing here. I'm going to abstain from voting, I don't think I need to, I don't think I need to but I will abstain from voting on this. But I will not abstain or refrain from comment and discussion cause this application as goes back many years and nobody in this room knows more about this particular use of this particular facility than me with the exception of possibly Mark Edsall who predates everybody, he's afraid to admit that he's getting old. Pretty soon he'll be as old as Paul Cuomo. I can see that coming soon. Go ahead, Jeff.

MR. ROSENBERG: This started back in 2002 when Mavis came to us, it's an empty building originally built for Hollywood Video, they went Chapter 11. At this point in time, Mavis came back to us, I don't know if you all remember but Mavis Tire was a tenant in the shopping center back in the '60s, 70s.

MR. VAN LEEUWEN: When you're grandfather first built the--

MR. ROSENBERG: Yes, they moved out in the mid '80s when we moved the supermarket down.

MR. ARGENIO: Henry Scheible bought his tires for his first Packard there.

MR. SCHEIBLE: I did a lot of business with Shop Rite so I have to abstain?

MR. VAN LEEUWEN: I knew his grandfather and grandmother, I should abstain too.

MR. ROSENBERG: We're not going to have a good vote here. Mavis came back to us in 2002 after leaving the center in '87 and we had this empty building, we came in front of the planning board then Hollywood Video decided they'd take the space after paying us to not take the space they came back and it was an easy use for them to take the space. They since went out of business again so Mavis has come back to us again and said we still like the space, we have always liked Vails Gate, we want to be back there, we resurrected the file, we've got changes on here that were requested in 2002 and then Mark has requested additional changes from now so we're here today, Mavis since then has changed sort of their style, I'll give you a little look as to what the building will sort of look like.

MR. ARGENIO: There is a shelf on the bottom, Jeff.

MR. ROSENBERG: So obviously they haven't gone in for any sign approvals yet so, you know, they're, this is their sort of rendering of what the building is going to look like, the doors which are on the front which faces 32 are reflective, you know, non-see-through glass doors to prevent folks from seeing in, the doors as part of our lease doors need to be closed all the time. No cars can be parked overnight. Cars can only be worked on inside the building. They can't have tires outside, I mean, it's, they're going to run a very clean operation and they have run, I mean, they run very nice clean tire stores.

MR. ARGENIO: Mr. Rosenberg, what do you anticipate possibly would be stored outside in front of the building in plain sight of Route 32?

MR. ROSENBERG: They do, sometimes they have those tires shown, you know.

MR. VAN LEEUWEN: Piles of tires outside.

MR. ROSENBERG: Like display tire or something, I don't know.

MR. ARGENIO: Here's what I have to say about that, Jeff, I was going to ask you about working on cars outside, I was going to ask you about the doors being opened but you covered that. I'm going to say this to you, you have a tenant, you can't speak to every nut, bolt and level of minutia that we may or may not want to get into relative to your tenant, but I will say this to you and I will look for the support of the other board members on this, what they do store outside should be relatively limited, I mean, I would think that unless somebody chimes in and disagrees with me if they had a rack that had eight tires on it and in the morning they pulled it out and put it next to the garage door, I wouldn't imagine that was a problem, if they had a rack they rolled out with antifreeze or window washer.

MR. VAN LEEUWEN: It has to do with their business.

MR. ARGENIO: But conceptually and attractively I don't want it to look, we don't want it to look like a service center because that's the wrong corridor for that type of thing and they did have an approval for this Bila Family Partnership back when as Jeff had mentioned they were in here way prior to this, they had approval to do just this with that tenant but either the tenant bailed out or Jeff raised the rent or some such thing.

MR. ROSENBERG: Actually, we had approval and Hollywood Video came back and said we'll take the space as is and so from my point of view that was a no-brainer cause they moved in the next month and they got a six or eight month buildout on the space, Mavis needs to spend \$500,000 on the space, which is more than the building costs to put up so, you know, they have to spend a lot

of money.

MR. ARGENIO: I saw that building get put up, it certainly wasn't \$500,000.

MR. ROSENBERG: Thanks.

MR. EDSALL: I'd just like to point out to the board's attention to the note that has been added, it's right underneath the building area table, tire service center notes that Mr. Rosenberg put in here as offered as a restriction because they recognize that the area is such that it would not be aesthetically pleasing and advantageous to have a vehicle repair, normal vehicle repair with cars outside half torn apart sitting right front row on this site.

MR. ARGENIO: Johnny's Towing can't go in there five years from now.

MR. EDSALL: Because it's a special permit use and they're applying their application to a specific use, they have offered notes one and two that says that you are not approving a service repair garage, you're approving a tire retail center, so it's very specific and I think it's advantageous to both the Town of New Windsor and the applicant to control it and they have offered that.

MR. ARGENIO: I will turn it over to the members, if anybody has any questions on this.

MR. SCHEIBLE: I just want to bring up when you were just discussing about the aesthetics, what the place is going to look like and I have seen a lot of tire places look pretty crummy on the outside and I just don't want to see it happening here in this location because it just does not conform with this location that we're talking about here and question was brought up too Mark just said about repair center, are we just going to be

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changing tires, are we just going to be selling tires?

MR. ROSENBERG: They do other minimal things.

MR. SCHEIBLE: Front alignment or something like that?

MR. ROSENBERG: Yeah.

MR. SCHEIBLE: That's not too bad.

MR. ARGENIO: Better than the note on the plan. Just want to point out the obvious to everybody and this is again it predates everybody here except for maybe Neil, the Rosenberg family has been good neighbors to this town, that facility was Mr. Rosenberg's second store and the assurances that they gave this board back in 2002 pretty much they have kept. If you drive by that facility at any given time the front lawn and the sidewalks have snow blowers on them, the lawn is cut, it's always neat and tidy. So as I said, the note is nice but everybody should understand at least I know I understand that we're dealing with decent people who are desirous of being good neighbors.

MR. SCHEIBLE: This is just for my benefit, this is a lease situation?

MR. ROSENBERG: Yeah, we own the building. Now, the other interesting caveat to this is that K-Mart had a very strong restriction against this and so the last four months have been negotiating with K-Mart because they I guess with Sears or whatever they carry tires. So they were, they finally relented but in relenting they asked for the possibility of a, they may come in front of you for a walk-up pharmacy, they want to put a walk-up pharmacy in the front wherever their pharmacy is in the front.

MR. ARGENIO: Tell them to come visit us.

MR. ROSENBERG: They know they have to come visit you.

MR. ARGENIO: Life is a negotiation, is it not?

MR. ROSENBERG: It is.

MR. BABCOCK: We do have Mr. Rosenberg's telephone number, we can invite him back here at any point.

MR. ROSENBERG: That's right.

MR. ARGENIO: As a special use permit it has to be renewed.

MR. ROSENBERG: It has to be renewed annually?

MR. BABCOCK: Only if you want it to be.

MR. ARGENIO: Mike is right, we have the right under special use permit, Jeff, if it were a lesser landlord, if there's issues we have a, we have the right to call them up and say hey, bud, this is not right, this is not what you told us you were going to do which we certainly wouldn't expect with you nice folks. Just let me cover there's one other thought that I had. Oh, Jeff, I would like as part of this I would like you to get somebody to repair the catch basin head behind the building which is broken and dangerous for pedestrians, it's the curb head, the curb head is broken behind the building at the entrance coming off Forge Hill Road.

MR. ROSENBERG: Behind this building?

MR. ARGENIO: Yes, can't miss it, come down from Forge Hill Road look to your right.

MR. ROSENBERG: Okay.

MR. ARGENIO: Can't miss it, it's a hazard. If you can do that, I'd appreciate that.

MR. SCHLESINGER: Question, I'm confused and I think Hank is also, speaking out of line, let me know.

MR. SCHEIBLE: Go right ahead.

MR. SCHLESINGER: Applicant is looking for approval of the proposed auto repair service sales, correct?

MR. BABCOCK: Correct.

MR. SCHLESINGER: Are they zoned appropriately for that?

MR. BABCOCK: Yes.

MR. SCHLESINGER: Okay, end of issue.

MR. ARGENIO: Mark, can you elaborate?

MR. EDSALL: It's a special permit use, it's permitted but you need to have a public hearing and you need to grant both site plan approval and a special permit.

MR. SCHLESINGER: They have had the public hearing?

MR. ARGENIO: No, we're going to have it.

MR. EDSALL: You have to authorize it.

MR. SCHLESINGER: The town has been strict about auto sales and auto repair so the applicant is here for a special use permit?

MR. ARGENIO: Correct.

MR. VAN LEEUWEN: But you've got to have a special hearing for that, Neil.

MR. SCHLESINGER: That's what I wanted to know.

MR. SCHEIBLE: Neil and I were conversing here, I asked that question earlier, we're going beyond a tire store, we're going beyond the tire store, I'll just start all over.

MR. ARGENIO: Again, which falls under the special use permit umbrella.

MR. BABCOCK: They need a motor vehicle license.

MR. SCHLESINGER: I understand all that but Mavis ten years down the road isn't there anymore and he sells it to Frank's Auto Repair.

MR. ARGENIO: We covered that, no, it's for this tenant only.

MR. SCHLESINGER: Okay, and that we can approve it on that basis?

MR. ARGENIO: Absolutely, it's part of record on this plan.

MR. SCHLESINGER: Okay.

MR. ARGENIO: Absolutely.

MR. BABCOCK: If you go to Advanced Auto now they'll come out and repair your car in the parking lot, they do, yeah, they'll come and put windshield wipers on it and a battery.

MR. SCHLESINGER: They're allowed to do that?

MR. BABCOCK: They'll put a battery, they'll even give you the tools, they'll rent you or loan you the tools to fix it.

MR. SCHLESINGER: This has a special use permit for

this tenant only, this tenant closes their door the special use permit is dead.

MR. ARGENIO: Yes.

MR. SCHEIBLE: So in doing this we're going to be changing oil?

MR. ARGENIO: Probably.

MR. SCHLESINGER: And sales also, can he put ten cars outside for sale?

MR. ROSENBERG: No, no, they can't sell cars.

MR. BABCOCK: You got to remember the zoning has areas that you can put something in that doesn't have just tire sales, the zoning says auto service repair garage and auto sales, that's the only place they fit but when you approve it you're approving it based on what he says and based on the plan.

MR. ARGENIO: Because of the special use permit.

MR. SCHLESINGER: Therefore, it's limited, in other words, not selling automobiles.

MR. EDSALL: No, that's a separate use.

MR. ARGENIO: This is not like Babcock Autos.

MR. BABCOCK: Sales is sales of tires.

MR. ARGENIO: Again, Mark, refresh my memory about the Mandelbaum application, Jeff graciously offered to do something for us, I don't know if it was the construction of the crossing or the design of the ped crossing or what it was but I want it covered and part of the record.

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MR. EDSALL: The design and construction of the pedestrian crossing between the senior housing project and this overall complex Jeff has offered to undertake with the town being the applicant, so it would be a town application, Jeff will work with the town by having a design and the construction once it's approved.

MR. ARGENIO: Can we set that in motion?

MR. EDSALL: Absolutely.

MR. BABCOCK: Mandelbaum has agreed since he has the engineers.

MR. ARGENIO: It was--

MR. BABCOCK: He agreed to do the engineering.

MR. ARGENIO: Mandelbaum was doing the design and Rosenberg was going to do the construction.

MR. EDSALL: Next step is to get Mandelbaum to move forward with the design and the town make the application to the DOT.

MR. ARGENIO: Can you do that Mike?

MR. BABCOCK: Yes.

MR. ARGENIO: Reach out and give him a little bit of a push.

MR. ROSENBERG: Has that started?

MR. ARGENIO: They have approval but--

MR. EDSALL: They're waiting for state, Adam pointed out that note number one although it probably is near perfect isn't quite perfect that we need to be a little

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more specific on the particular issue of tire sales and then the repair center being a little more specific so I'm going to work with Jeff to just straighten that out.

MR. ARGENIO: I'm not going to get twisted, that's your job and Cordisco's job.

MR. EDSALL: We'll be working on it.

MR. ROSENBERG: Anything that this has has to be approved by Mavis so anything you send to me I have to send to them.

MR. EDSALL: Just going to tweak it slightly.

MR. ARGENIO: You understand the gravity of what we're doing here?

MR. ROSENBERG: I understand again K-Mart has the same restrictions so I can't, you know, if Mavis sells, if the approval's for Mavis only the sale of auto tires and whatever else, you know, so--

MR. ARGENIO: Mark, work with Jeff please.

MR. EDSALL: We will.

MR. ARGENIO: Jeff, by law we're required to forward this to County Planning, that's a new reg.

MR. EDSALL: It's been done.

MR. ROSENBERG: What comments did they have?

MR. EDSALL: We have not heard back from them.

MR. ARGENIO: Quite frankly, Jeff, it's not really an intermunicipal issue.

MR. ROSENBERG: I only laugh because my experience with County Planning has not been positive.

MR. ARGENIO: Don't worry and so do we and also we have to have a mandatory public hearing. Mark, any reason we can't schedule that, put the notices out?

MR. EDSALL: No, as a matter of fact the original plans I had quite a number of comments on, I have to say that the applicant's engineer took the time to actually read them and this plan has responded to all the comments.

MR. ARGENIO: Langdan is pretty good.

MR. ROSENBERG: Can I ask one quick question? When you apply--

MR. ARGENIO: No.

MR. ROSENBERG: --is it possible, you know, when we look at the crossing is there going to be a way to get a light or a--

MR. EDSALL: No, I doubt that they'll install any pedestrian signals but it could be asked for.

MR. ROSENBERG: I mean from a personal point of view I think it's great that we put in a crossing but kind of silly without some sort of--

MR. EDSALL: If they can put a pedestal mounted pedestrian signal--

MR. ARGENIO: Mandelbaum is going to get somebody with some level of competence like, Mark, like John Collins Engineering.

MR. EDSALL: That's the right place.

MR. ARGENIO: To get whatever the greatest extent we

can get, be it the crossing or crossing and ped poles whatever we can get we want to get.

MR. SCHEIBLE: They don't move too fast.

MR. BABCOCK: This is an application by the Town of New Windsor.

MR. EDSALL: Yes.

MR. ARGENIO: We're a planning board and we're trying to plan and you're probably right, Jeff, there's nothing else we can really do tonight but we'll schedule the public hearing.

MR. ROSENBERG: Now or wait?

MR. BABCOCK: We'll be ready, as soon as you're ready you're on.

MR. ARGENIO: He's ready.

MR. EDSALL: Well, the notices have to be prepared.

MR. ARGENIO: Yes.

MR. BABCOCK: We have to advertise in the paper.

MR. ARGENIO: What's the action item, Mike, that starts the ball rolling on the public hearing, does Myra call Jeff's office or does Jeff call Myra's office?

MR. BABCOCK: Well, are you handling it?

MR. ROSENBERG: Diane.

MR. BABCOCK: She should call Myra on Monday and we'll set it up.

MR. ARGENIO: Tell her what to do, you have Myra tell

you what to do, you have to send notices out and we'll set it in motion and I can assure you that as soon as we have all the legal things that are done as soon as we hear from county we'll cover both those things in one meeting and we'll get you moving.

MR. ROSENBERG: Is county, though, if you don't hear from them it's deemed approved?

MR. EDSALL: Thirty days, I'll hear from them. Here's a copy of the comments.

MR. ARGENIO: Jeff, don't panic.

MR. ROSENBERG: No, I'm not panicking.

MR. BABCOCK: You're not changing anything.

MR. ARGENIO: They can be difficult but this is so simple.

MR. ROSENBERG: If you overrule county you need a super majority of a planning board, is that correct?

MR. ARGENIO: Yes.

MR. ROSENBERG: They understand with the signs they're going to have to go in for a sign permit approval and possibly in front of the planning board.

MR. BABCOCK: Well, I don't think we need the planning board, we need the zoning board but that would work through my office, we can get that started now so when they're ready to they can get their signs so whenever you're ready have them come and see me.

MR. ROSENBERG: Originally I told them that the size that was approved for Hollywood Video they could use up to cause that's our understanding. No?

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MR. BABCOCK: No.

MR. ARGENIO: Why is that, Mark?

MR. BABCOCK: Well, the zoning board does the same thing as this board and the condition is is that they approve what's before them.

MR. ARGENIO: They review it individually.

MR. BABCOCK: It's not an issue, every one of your signs down there has received a variance on all of the things, Mavis usually has a standard, they don't sway from the standard much, the zoning board is pretty good with that.

MR. ROSENBERG: I know they did drop off the plans and a building permit application already to get started just so that--

MR. BABCOCK: That's good, we like that.

MR. ROSENBERG: Thank you very much, gentlemen.

MR. ARGENIO: I'm going to move the agenda around, I'd like to hear about the Victor Choe application then we'll hear Van Leeuwen.



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE

33 AIRPORT CENTER DRIVE

SUITE 202

NEW WINDSOR, NEW YORK 12553

(845) 567-3100

FAX: (845) 567-3232

E-MAIL: MHENT@MHEPC.COM

WRITERS EMAIL: MJE@MHEPC.COM



**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: WVR REAL ESTATE (BIG V PLAZA) SITE PLAN AMENDMENT
(PROPOSED AUTO REPAIR SERVICE/SALES)
PROJECT LOCATION: NYS ROUTE 32
SECTION 65 – BLOCK 2 – LOT 12.1
PROJECT NUMBER: 08-03
DATE: 28 MAY 2008
DESCRIPTION: THE APPLICATION PROPOSES THE CONVERSION OF THE FORMER
VIDEO STORE AT THE SOUTHERLY CORNER OF THE SITE TO AN
AUTO REPAIR FACILITY (PRIOR APPLICATION NO. 98-15).
A PREVIOUS REVIEW OF THE PLANS WAS PREPARED ON
27 FEBRUARY 2008 ALTHOUGH NO MEETING APPEARANCE
OCCURRED.

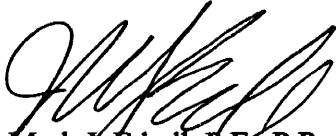
1. The project is located in the Design Shopping (C) zoning district of the Town. The proposed use is a Special Permit in the Zone.
2. The new submittal for this meeting is a single sheet submittal (sheet # 20.01). The plan submitted has the Building Area Table revised to reflect the new use of the auto repair facility (tire service center). As requested, the plan includes an updated parking calculation under the "Site Statistics". We have reviewed the calculation and it appears consistent with both the prior approval and the code.
3. To my knowledge, there are no other Involved Agencies for this application. As such, the Planning Board may wish to assume the position of Lead Agency under the SEQRA review process.
4. The Planning Board should consider authorizing the mandatory Public Hearing for this Special Permit use, per the requirements of Section 300-87 of the Town Zoning Local Law.

REGIONAL OFFICES

• 111 WHEATFIELD DRIVE • SUITE 1 • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

5. This project is adjacent to NYS Route 32, a State Highway, as such, the plan has been referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239).

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

MJE/st
NW08-03-28May08.doc

AS OF: 07/17/2008

PAGE: 1

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSO

TASK: 8- 3
FOR ALL WORK ON FILE:

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	EXP.	-----DOLLARS-----	
										BILLED	BALANCE
8-3	349252	01/23/08	TIME	MJE	WS BILA PETERS-MAVIS	124.00	0.40	49.60			
8-3	349234	01/26/08	TIME	MJE	MC BILA W/S FORM-MM	124.00	0.10	12.40			
8-3	353020	02/22/08	TIME	MJE	MR WVR SITE PLAN RVW	124.00	0.90	111.60			
8-3	354025	02/26/08	TIME	MJE	MC WVR W/GA	124.00	0.20	24.80			
8-3	354049	02/27/08	TIME	MJE	MM WVR-CANC REG MTG	124.00	0.10	12.40			
								210.80			
8-3	357497	03/25/08			BILL 08-850						-210.80
											-210.80
8-3	391929				PD/CR 08-850 PD 04/09/08			210.80			
8-3	367054	05/20/08	TIME	MJE	MR WVR APP RVW	124.00	0.80	99.20			
8-3	367064	05/21/08	TIME	MJE	MR WVR APP RVW	124.00	0.30	37.20			
8-3	367040	05/22/08	TIME	MJE	MC WVR OCDF REF/EMC MM	124.00	0.50	62.00			
8-3	368005	05/27/08	TIME	MJE	MC DISC WVR COMM W/GA	124.00	0.30	37.20			
8-3	368008	05/28/08	TIME	MJE	MR WVR FNL COMM/PO	124.00	0.30	37.20			
8-3	368014	05/28/08	TIME	MJE	MM WVR S/P-REG MTG	124.00	0.40	49.60			
								322.40			
8-3	373173	06/25/08			BILL 08-1702						-322.40
											-322.40
8-3	392944				PD/CR 08-1702 PD 07/11/08			322.40			
8-3	393229	07/07/08	TIME	MJE	MR WVR SITE PLAN	124.00	0.50	62.00			
8-3	393244	07/08/08	TIME	MJE	MC REV WVR W/GA	124.00	0.20	24.80			
8-3	375576	07/09/08	TIME	MJE	MM WVR Cond APPL	124.00	0.10	12.40			
8-3	393252	07/09/08	TIME	MJE	MR WVR SITE PLAN	124.00	0.10	12.40			
8-3	393262	07/09/08	TIME	MJE	MM WVR-PUBLIC HEARING	124.00	0.30	37.20			
8-3	393268	07/10/08	TIME	MJE	MC DC:WVR ISSUE	124.00	0.30	37.20			
					TASK TOTAL			719.20			
									0.00		-533.20
											186.00
					GRAND TOTAL			719.20			
									0.00		-533.20
											186.00

08-03

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 07/09/2008

PAGE: 1

LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 8-3

NAME: AUTO REPAIR SERVICE/SALES - BIG V PA2008-20
APPLICANT: JEFFREY ROSENBERG

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV1	05/14/2008	MUNICIPAL HIGHWAY	05/20/2008	APPROVED
REV1	05/14/2008	MUNICIPAL WATER	/ /	
REV1	05/14/2008	MUNICIPAL SEWER	/ /	
REV1	05/14/2008	MUNICIPAL FIRE	05/16/2008	APPROVED
REV1	05/14/2008	NYS DOT	/ /	
REV1	05/14/2008	E911	/ /	
REV1	05/14/2008	O.C. PLANNING	/ /	
REV1	05/14/2008	O.C. HEALTH DEPT.	/ /	
REV1	05/14/2008	INFRASTRUCTURE COMM	/ /	
ORIG	02/14/2008	MUNICIPAL HIGHWAY	05/14/2008	SUPERSEDED BY REV1
ORIG	02/14/2008	MUNICIPAL WATER	05/14/2008	SUPERSEDED BY REV1
ORIG	02/14/2008	MUNICIPAL SEWER	05/14/2008	SUPERSEDED BY REV1
ORIG	02/14/2008	MUNICIPAL FIRE	02/20/2008	APPROVED
ORIG	02/14/2008	NYS DOT	05/14/2008	SUPERSEDED BY REV1
ORIG	02/14/2008	E911	05/14/2008	SUPERSEDED BY REV1
ORIG	02/14/2008	O.C. PLANNING	05/14/2008	SUPERSEDED BY REV1
ORIG	02/14/2008	O.C. HEALTH DEPT.	05/14/2008	SUPERSEDED BY REV1

PLANNING BOARD
TOWN OF NEW WINDSOR

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LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
O [Disap, Appr]

FOR PROJECT NUMBER: 8-3

NAME: AUTO REPAIR SERVICE/SALES - BIG V PA2008-20
APPLICANT: JEFFREY ROSENBERG

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
05/28/2008	P.B. APPEARANCE	SCHED PH

PLANNING BOARD
TOWN OF NEW WINDSOR

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LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 8-3

NAME: AUTO REPAIR SERVICE/SALES - BIG V PA2008-20
APPLICANT: JEFFREY ROSENBERG

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	02/14/2008	EAF SUBMITTED	/ /	
ORIG	02/14/2008	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	02/14/2008	LEAD AGENCY DECLARED	/ /	
ORIG	02/14/2008	DECLARATION (POS/NEG)	/ /	
ORIG	02/14/2008	SCHEDULE PUBLIC HEARING	05/28/2008	SCHED PH . SPOKE TO DIANE OF WVR REALTY ON 6/3/08. TOLD HER TO SUBMIT . A CHECK FOR 25.00 TO ORDER THE PUBLIC HEARING LIST. SHE SAID . SHE WOULD TAKE CARE OF THAT.
ORIG	02/14/2008	PUBLIC HEARING HELD	/ /	
ORIG	02/14/2008	WAIVE PUBLIC HEARING	/ /	
ORIG	02/14/2008	FINAL PUBLIC HEARING	/ /	
ORIG	02/14/2008	PRELIMINARY APPROVAL	/ /	
ORIG	02/14/2008	LEAD AGENCY LETTER SENT	/ /	

-----X

WVR (for Mavis Tire) P. B. #08-03


AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
) SS:
COUNTY OF ORANGE)

That on the **27th** day of JUNE, 2008, I compared the 122 addressed envelopes containing the Public Hearing Notice pertinent to this case with the certified list provided by the Assessor's Office regarding the above application for site plan/subdivision/special permit/lot line change approval and I find that the addresses are identical to the list received. I then placed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason
Myra L. Mason, Secretary

9th day of July, 2008


Notary Public

JENNIFER GALLAGHER
Notary Public, State of New York
No. 01GA6050024
Qualified in Orange County
Commission Expires 10/30/10



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (914) 563-4631
Fax: (914) 563-3101

Assessors Office
J. Todd Wiley, Assessor

June 17, 2008

WVR Real Estate
162-5 North Main Street
Florida, NY 10921
Attn: Diana Dross

Re: Tax Map Parcel 65-2-12.1

PB: 08-03 (122)

Dear Ms. Dross

According to our records, the attached list of property owners are within five hundred (500) feet of the above referenced property.

The charge for this service is \$137.00, minus your deposit of \$25.00.

Please remit the balance of \$112.00 to the Town Clerk's office.

Sincerely,

A handwritten signature in cursive script that reads "J. Todd Wiley".

J. Todd Wiley, IAO
Sole Assessor

JTW/td
Attachments

CC: Myra Mason, PB

65-2-13
Frederick J. Kass
367 Windsor Highway
New Windsor, NY 12553

65-2-16
Lizzie Realty LLC
24 Dunning Road
Middletown, NY 10940

65-2-23
Vails Gate Property LLC
878 Blooming Grove Turnpike
New Windsor, NY 12553

65-2-25.2, 65-2-28
The Vails Gate Fire Company
PO Box 101
Vails Gate, NY 12584

65-2-41
Iracema Castro
PO Box 496
Vails Gate, NY 12584

68-2-2.1
Marcia Sherwood & James McGrane
PO Box 87
Vails Gate, NY 12584

68-2-11.2
RP Enterprises LLC
380 Rt. 208
New Paltz, NY 12561

68-2-12.22
North Plank Development Company, LLC
5020 Route 9W
Newburgh, NY 12550

68-3-3
Phillip Williams
PO Box 549
Vails Gate, NY 12584

68-3-7.12
Walter & Louella Nichols
PO Box 579
Vails Gate, NY 12584

65-2-14
New Windsor Dental Management
375 Windsor Highway, Suite 300
New Windsor, NY 12553

65-2-20
Norstar Bank of Upstate N.Y.
c/o Bank of America
Attn: Corp. Real Estate Assessments
101 N. Tryon Street
Charlotte, NC 28255

65-2-24
RJM Realty Group, LLC
9 Hawthorne Place, Apt. 2N
Boston, MA 02114

65-2-29
Warwick Properties, Inc.
One Crescent Avenue
Warwick, NY 10990

65-2-42
Arthur Stockdale
1098 Egret Lake
Viera, FL 32940

68-2-8.2
New York Central Lines
CSX
500 Water Street
Jacksonville, FL 32202

68-2-12.11
Sy Realty Corporation
17 Pinehurst Circle
Monroe, NY 10950

68-3-1
Thomas & Kathleen Manning
44 Creek Run Road
Newburgh, NY 12550

68-3-4, 68-3-5
Wayland & Joy Sheafe
1661 Little Britain Road
Rock Tavern, NY 12575

68-3-7.21
Lureen & Rubena Robinson
55 Old Temple Hill Road
New Windsor, NY 12553

65-2-15
Blix Corporation
PO Box 1002
Highland Mills, NY 10930

65-2-21, 65-2-22
Mans Brothers Realty Inc.
PO Box 247
Vails Gate, NY 12584

65-2-25.11
393 Windsor LLC
c/o 1833 Nostrand Ave. Corp.
R.E. Tax Dept. Store 159
PO Box 3165
Harrisburg, PA 17105

65-2-30
Tower Management Financing
680 Kinderkamack Road
River Edge, NJ 07661

68-2-1
Marcio Fernandes
3 Mertes Lane
New Windsor, NY 12553

68-2-9.2
Minuteman Mall LLC
475 Temple Hill Road
New Windsor, NY 12553

68-2-12.12
MCB Partnership LLC
521 Green Ridge Road
Scranton, PA 18508

68-3-2
D and F Realty, LLC
63 Red Maple Way
New Windsor, NY 12553

68-3-6
Anthony & Gemma Tornatore
82 Continental Drive
New Windsor, NY 12553

68-3-9
Eugene & Ruth Andrews
PO Box 292
Vails Gate, NY 12584

68-3-10
Paula Martino
PO Box 142
Vails Gate, NY 12584

68-3-11.1
Strategic Office, LLC
PO Box 522
Vails Gate, NY 12584

68-3-12
Antonio & Giencinto
PO Box 327
Cornwall, NY 12518

68-3-13, 68-3-14, 68-3-15
Kenneth, Paul & Stephen Babcock
PO Box 573
Vails Gate, NY 12584

68-3-16
Kelly Family Partnership
PO Box 38
Vails Gate, NY 12584

69-2-3
CRE JV Mixed Five NY
2 Branch Holdings LLC
c/o First States Management Corp. LP
680 Old York Road
Jenkingtown, PA 19046

69-2-5
R&S Foods Inc.
249 North Craig Street
Pittsburgh, PA 15213

69-2-6
R&S Foods Inc.
PO Box 260888
Plano, TX 75026

69-2-12.1
MCB Partnership
521 Green Ridge Street
Scranton, PA 18509

71-1-64
Dominick & Lucille Parisi
53 Hy Vue Drive
Newburgh, NY 12550

71-1-63
71-1-32
Drena Cocchia
71 Vails Gate Heights
New Windsor, NY 12553

71-1-52
71-1-33
James Kilcullen
632 South 8th Street
New Hyde Park, NY 11040

71-1-31.2
George Encke & Jean Dalton
69 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-35
Carmine & Norma Luongo
77 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-36
Alberto & Mary Zerner
79 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-34
Salvatore & Concetta Petrolese
75 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-37, 71-1-50, 71-1-51
Josika Gojka & Adrian Bita
225 Lakeside Road
Newburgh, NY 12550

71-1-38
Thomas Lewis & Claudia Rubin
PO Box 4253
New Windsor, NY 12553

71-1-39
Regina Mitchell
85 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-40
Kewal Singh
87 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-41
Jean & Marie Baptiste
89 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-42
Ingrid Anderson
91 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-43
Elizabeth McMahon & Marjorie Windhelm
93 Vails Gate Heights Drive
New Windsor, NY 12553

Earnest & Ruth Banks
95 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-45
Joseph Richman
97 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-46
Kim Nguyen
99 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-47
Dawn & Kevin Wanamaker
101 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-48
Germain & Maria Quijano
103 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-49
Vincent Kayes
105 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-7
Irma Martini
407 Old Forge Hill Road
New Windsor, NY 12553

71-1-10
Sonnie Warshaw
23 Vails Gate Drive
New Windsor, NY 12553

71-1-13
Annette Ziegler
48 West Church Street
Dumont, NJ 07628

71-1-16
Raymond Skopin
35 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-19
Stephen & Annelie Coyle
41 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-22
Jun Hui Yang
47 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-25.2
Derek Carney
55 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-28
Christopher Isaacs & Sandra Jackson
61 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-65
Alton Christianson
397 Old Forge Hill Road
New Windsor, NY 12553

71-1-69.2
Lorraine Sullivan Yannone
55 Ridge Road
New Windsor, NY 12553

71-1-8
Betty Lawrence
405 Old Forge Hill Road
New Windsor, NY 12553

71-1-11
Ronald & Marie Perry
25 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-14
David & Sonia Borrero
31 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-17
Vincent Schmidt
37 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-20
Meredith Elaine Baker
43 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-23
Juvencio & Harriett Navedo
49 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-26.2
Katherine Ferri
57 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-29
David Herring
63 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-66
Jerline & Zelda Ware
401 Old Forge Hill Road
New Windsor, NY 12553

71-1-6
Luis & Jeanine Maisonet
409 Old Forge Hill Road
New Windsor, NY 12553

71-1-9
Rose Karpinski
21 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-12
Barbara Levy
27 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-15
Steven & Ronni Warshaw
33 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-18
Thelma Zelkind
39 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-21
Martin & Frances Shapiro
45 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-24
Frank Robinson
51 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-27
Sally Scheiner
c/o S. Scheiner Trustee
9130 Taverna Way
New Windsor, NY 12553

71-1-30
Peter & Lucy Martini
65 Vails Gate Heights Drive
New Windsor, NY 12553

71-1-67
Carmine Pacione
393 Old Forge Hill Road
New Windsor, NY 12553

71-1-68 .
Emil Mihalco & Bernice Sapiel
387 Old Forge Hill Road
New Windsor, NY 12553

71-2-3
Robert & Harriet Klein
82 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-6
Marisa Colson
2 Lafayette Street
Cornwall on Hudson, NY 12520

71-2-9
Nuncio & Mirian Diaz
96 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-12
Abraham Adams
78 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-15
Thomas & Billie Mae Napolitano
110 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-18
Robert & Linda Mazureck
118 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-21
Lynne McGarry
124 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-24
Edward & Anne Lamb
130 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-27
Samuel Soto
138 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-1.1, 71-1-1.21
New Windsor Properties, LLC
c/o Peck & Heller
845 Third Avenue, 16th Floor
NY, NY 10022

71-2-4
Hector & Carol Kercado
84 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-7
Scott & Nicole Erskine
90 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-10
Willie & Rosabel Kimbrough
100 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-13
Juan & Juana Ortiz
106 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-16
Leon Saunders
905A Greene Avenue
Brooklyn, NY 11221

71-2-19
Kenneth & Debra Davis
120 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-22
Jehak & Aekyung Chung
126 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-25.2
Trevor Ekeh
134 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-28
Leonard & Margaret Benedetto
PO Box 4160
New Windsor, NY 12553

71-2-2
Suzanne Scalzo
80 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-5
Vivian & Michael Maresca
86 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-8
Pedro & Marielba Amaro
92 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-1
Susan & David Hurd
102 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-14
Domenica Contant
108 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-17
Carlos & Julia Martinez
116 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-20
John & Luz Mahoney
122 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-23
Amrik & Baljinder Singh
73 Garden Street
Hyde Park, NY 12538

71-2-26.1
Paul & Mercado Nedorost
136 Vails Gate Heights Drive
New Windsor, NY 12553

71-2-29
Adeline Gracey
934 Deercrest Circle
Evans, GA 30809

71-2-30
Bibi Oommen
148 Vails Gate Heights Drive
New Windsor, NY 12553

65-2-4
Bila Family Partnership
58 Old Temple Hill Road
New Windsor, NY 12553

71-3-2
Vails Gate, Inc.
362 Windsor Highway
New Windsor, NY 12553

71-3-3
Jamal Realty, LLC
PO Box 311
Yonkers, NY 10710

Etiquette de format 25 mm x 67 mm compatible avec Avery® 5160/8160
size 1" x 2 5/8" compatible with Avery® 5160/8160

STAPLES

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on **JULY 9TH, 2008** at 7:30 P.M. on the approval of the proposed

Site Plan and Special Permit for **MAVIS TIRE (SHOP RITE PLAZA)**

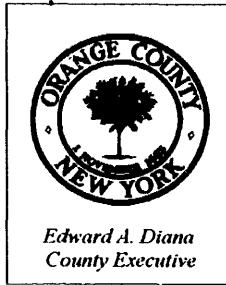
Located at **SHOP RITE PLAZA ON WINDSOR HIGHWAY** (Tax Map #Section **65**, Block **2**, Lot **12.1**) . Map of the proposed project is on file and may be inspected at the **Planning Board Office**, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.

Date: JUNE 23, 2008_____

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

TOTAL CHARGES: _____



7/2/08 P.B. 08-03
cc: D.C.
H.E.

ORANGE COUNTY DEPARTMENT OF PLANNING

DAVID CHURCH, AICP
COMMISSIONER

www.orangecountygov.com/planning
planning@orangecountygov.com

124 MAIN STREET
GOSHEN, NEW YORK 10924-2124
TEL: (845) 615-3840
FAX: (845) 291-2533

**County Reply – Mandatory Review of Local Planning Action
as per NYS General Municipal Law §239-l, m, & n**

Local Referring Board: Town of New Windsor

Applicant: Jeffrey G. Rosenberg

Project Name: WRV Real Estate II (Big V Plaza)

Proposed Action: Site Plan/Special Use Permit = Conversion or retail space to auto repair service & auto parts retail

Reason for County Review: Within 500 Feet of NYS Route 32

Date of Full Statement: May 28, 2008

Referral ID #: NWT15-08M

Tax Map #: S: 65 B: 2 L: 12.1

Local File #: 08-03

Comments:

The Department has received the above referenced Site Plan / Special Use Permit and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We would like to include the following as advisory comments:

1. The proposed site plan amendment appears to be consistent with the County Comprehensive Plan and local laws.
2. Having no further comments, from a County perspective, the department recommends that the Planning Board proceed with its review process

County Recommendation: Local Determination

Date: June 18, 2008

Prepared by: Todd Cohen

David Church, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available online at www.orangecountygov.com/planning.



REPORT OF FINAL LOCAL ACTION

To: Orange County Department of Planning
124 Main Street
Goshen, NY 10924

From:

Date:

Subject: GML 239 Referral ID# NWT15-08M
Name of project: Big V Plaza Site Plan

As stated in Section 239 of the General Municipal Law of the State of New York State, within thirty days of taking final action in regard to a required referral to the Orange County Planning Department, the local referring agency shall file a report as to the final action taken. In regard to the proposed action described above, the following final action was taken:

_____ Our local board **approved** this action on _____.

_____ Our local board **approved** this action **with modifications** on _____.
Briefly, the modifications consisted of:

_____ Our local board **disapproved** this action on _____.
Briefly, the reasons for disapproving this action were:

_____ The proposal was **withdrawn**.

Additional space for comments on actions:



RESULTS OF P.B. MEETING OF:

~~May~~ May 28, 2008

PROJECT: *Mavis Tice*

P.B. # *08-03*

LEAD AGENCY:

NEGATIVE DEC:

AUTHORIZE COORD. LETTER: Y___N___

M)___S)___ VOTE: A___N___

TAKE LEAD AGENCY: Y___N___

CARRIED: Y___N___

M)___S)___ VOTE: A___N___

CARRIED: Y___N___

PUBLIC HEARING: WAIVED:___ CLOSED:___ FINAL:___

M)___S)___ VOTE: A___N___ SCHEDULE P.H.: Y___N___

SEND TO O.C. PLANNING: Y___

RETURN TO WORK SHOP: Y___N___

SEND TO DEPT. OF TRANS: Y___ REFER TO Z.B.A.: M)___S)___ VOTE: A___N___

APPROVAL:

CONCEPTUAL:___ **PRELIMINARY:**___ **COND. FINAL:**___ **FINAL**___

M)___S)___ VOTE:A___N___ **APPROVED:**___

NEED NEW PLANS: Y___N___

CONDITIONS - NOTES:

Sent to O.C. Planning 5/22/08 @

MEETING DATE:



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

RECEIVED

PROJECT REVIEW SHEET

MAY 14 2008

TO: HIGHWAY DEPARTMENT

N.W. HIGHWAY DEPT.

P.B. FILE #08-03

DATE RECEIVED: 05-01-08 TAX MAP #65-2-12.1

PLEASE RETURN COMPLETED FORM TO MYRA

BY: 05-27-08 TO BE ON AGENDA FOR THE 05-28-08 PLANNING BOARD MEETING.

THE MAPS AND/OR PLANS FOR:

MAVIS TIRE (formerly Video Store) - SHOP RITE PLAZA

Applicant or Project Name

SITE PLAN XXX, SUBDIVISION _____, LOT LINE CHANGE _____,
SPECIAL PERMIT XXX

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:



APPROVED:

Notes: Approved as is; waiting for better details.



DISAPPROVED:

Notes: _____

Signature: _____

Reviewed by

date

5/20/08

**FIRE INSPECTOR'S
INTER-OFFICE CORRESPONDENCE**

TO: Genaro Argenio, Planning Board Chairman

FROM: Kenneth Schermerhorn, Asst. Fire Inspector

SUBJECT: PB-08-03
Mavis Tire
SBL: 65-2-12.1

DATE: May 16, 2008

Fire Prevention Reference Number: FPS-08-016

A review of the above referenced site plan and special permit have been conducted and are acceptable with assumption that "area to be vacated" at former Caldor is irrelevant to this plan.

Orange County Department of Planning
Application for Mandatory County Review of Local Planning Action
(Variances, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction.
To be signed by Local Official.

MUNICIPALITY: T/New Windsor

TAX MAP ID: 65-2-12.1
(Section-Block-Lot)

Local File #: 08-03
Please refer to this number in any correspondence.

Project Name: WVR Real Estate II (Big V Plaza)

Applicant: Jeffrey G. Rosenberg
Address: 162-5 N. Main Street, Florida, NY 10921

Send Copy of Letter to Applicant: (check one)
Yes ☒ No ☐

Attorney, Engineer, Architect: Langan Engineering

Location of Site: NYS Route 32 (just north of "Five Corners")
(Street, highway, nearest intersection)

Size of Parcel: 29.47 A

Existing Lots: 1

Proposed Lots/Units: 1

Present Zoning District: C

TYPE OF REVIEW:

☒ Site Plan (SP): Amendment (conversion of retail space to auto repair service & auto parts retail)

☒ Special Use Permit* (SUP) Auto repair is Special Permit in Zone

☐ Variance* USE (UV): _____

AREA (AV): _____

☐ Zoning District Change* From: _____ To: _____

☐ Zoning Amendment To Section: _____

☐ Subdivision: Major _____ Minor _____

☐ Sketch

☐ Preliminary

☐ Final (Please indicate stage)

☐ Other Comments: _____

Date: 5-22-08

Mark J. Edsall, P.E., P.P. Mark J. Edsall, P.E., P.P.
Signature Engineer for the Planning Board

* Cite Section of Zoning Regulations where pertinent.

FOR COUNTY USE ONLY

County ID# _____

GML 239 Referral Guide – 02/27/2007



21 April 2008

Ms. Myra Mason
Planning Board Secretary
Town of New Windsor
555 Union Avenue
New Windsor, New York 12553

**RE: Mavis Discount Tire
Big V Town Centre
Vails Gate, New York
Langan Project No.: 1467050**

David T. Gockel, P.E., P.P.
George P. Kelley, P.E.
George E. Derrick, P.E.
Michael A. Semeraro, Jr., P.E.
Nicholas De Rose, P.G.
Andrew J. Ciancia, P.E.
George E. Leventis, P.E.
Rudolph P. Frizzi, P.E.
Ronald A. Fuerst, C.L.A.
Colleen Costello, P.G.
Cristina M. González, P.E.
Gerald J. Zambrella, C.E.M.

Jorge H. Berkowitz, Ph.D.
Richard Burrow, P.E.
David J. Charette, P.W.S.
Steven Ciambuschini, P.G.
Gerard M. Coscia, P.E.
John C. Cote, P.E.
Michael E. Cotreau, P.E.
Daniel D. Disario, P.E.
Michael M. Goldstein
Sam B. Ishak, M.C.S.E.
Robert Y. Koto, P.G.
William G. Lothian, P.E.
Michele E. O'Connor, P.E.
Joseph E. Romano, P.L.S.
Leonard D. Savino, P.E.
Richard R. Steiner, P.E.
Michael Szura, C.L.A., A.S.L.A.
Bryan Waisnor, P.E.

Omar Alsamman, Ph.D., P.E.
Ronald D. Boyer, P.E.

Dear Ms. Mason:

We have received a copy of the letter prepared by the Planning Board Engineer, Mark J. Edsall, P.E., P.P., dated February 27, 2008 (copy attached), containing comments regarding the Mavis Discount Tire site plan application. A new plan, Site & Grading Plan, being sheet 20.01, dated April 18, 2008 (copies enclosed), has been prepared to address the outstanding items. The comments have been addressed as follows:

Item 1. No plan changes required.

Item 2.

- The Site & Grading Plan (20.01) appropriately depicts the proposed improvements and the existing features. The existing features have been screened/half-toned and the proposed improvements are bold.
- The Site & Grading Plan (20.01) contains an updated site statistics table that reflects the newly proposed tire center.
- The Site & Grading Plan (20.01) contains a resized approval box which includes the project number, not the tax map number.
- The Landscape and Lighting Plan are not provided because no changes to these plans have been proposed.
- Site & Grading Plan (20.01) includes the applicable construction details for the proposed tire center.

08-03

Item 3.

- Minor grade changes are proposed to accommodate the multiple garage access doors. The changes do not affect any of the drainage patterns. The minor grade changes are shown as an inset on the Site & Grading Plan (20.01).
- The Utility Plan has not been provided because no changes are proposed to this plan.

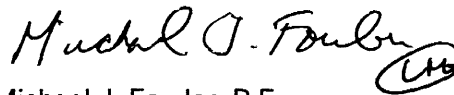
Item 4. No plan changes required.

Item 5. No plan changes required.

Item 6. No plan changes required.

We trust these revisions have satisfactorily addressed any outstanding issues. Please feel free to contact our office if you have any questions or concerns regarding this project.

Sincerely,
Langan Engineering and Environmental Services, Inc.



Michael J. Fowler, P.E.
Associate

LM/lm

Enclosures

cc: Diane Dross
Lou Mastriani, Langan

REGULAR_ITEMS:

WVR_REAL_ESTATE_(AUTO_REPAIR_SERVICE/SALES)_(08-03)

MR. EDSALL: Applicant was scheduled and they did pull themselves from the agenda, so let the record show that they removed--

MR. ARGENIO: What happened there, why did they?

MR. EDSALL: They may have some other issues that they're looking to address before they come in.

MR. ARGENIO: Did they call you?

MS. MASON: Yeah, I think she said they didn't have approval from one of the neighbors or something, I don't know what that meant but that's what she said.

MR. EDSALL: I did provide my comments on the plans to Myra, the originals I did suggest that we ask her to fax them over and possibly before they come back in they can clean up some of the minor items and they'll be that much further ahead.

MR. ARGENIO: I think that would be a good idea.



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE

33 AIRPORT CENTER DRIVE

SUITE 202

NEW WINDSOR, NEW YORK 12553

(845) 567-3100

FAX: (845) 567-3232

E-MAIL: MHENTY@MHEPC.COM

WRITERS EMAIL: MJE@MHEPC.COM



**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: WVR REAL ESTATE (BIG V PLAZA) SITE PLAN AMENDMENT
(PROPOSED AUTO REPAIR SERVICE/SALES)

PROJECT LOCATION: NYS ROUTE 32
SECTION 65 – BLOCK 2 – LOT 12.1

PROJECT NUMBER: 08-03

DATE: 27 FEBRUARY 2008

DESCRIPTION: THE APPLICATION PROPOSES THE CONVERSION OF THE FORMER
VIDEO STORE AT THE SOUTHERLY CORNER OF THE SITE TO AN
AUTO REPAIR FACILITY.

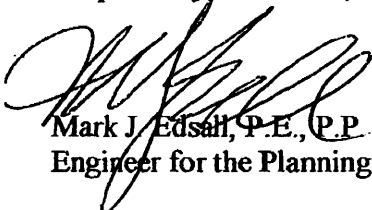
1. The project is located in the Design Shopping (C) zoning district of the Town. The bulk requirements shown on sheet 20.01A appear correct for the zone and uses. The proposed use has been added to the bulk table.
2. We have reviewed the plans submitted and have the following comments:
 - On sheet 20.01A (and all other sheets as applicable) all references to “proposed”, etc. for improvement which are now existing should be appropriately corrected to reflect this as an existing site. ONLY modifications and additions proposed as part of this site plan amendment should be indicted on this submittal as “proposed”.
 - On sheet 20.01A on the Site Statistics table, the parking calculation must be completed and corrected to provide a parking value for the proposed use, with a revision to the total value as needed.
 - Please revised the approval box on all drawings to the prescribed size and insert the planning board project number (not tax map number).

REGIONAL OFFICES

• 111 WHEATFIELD DRIVE • SUITE 1 • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

- Sheet 24.01A (Landscape Plan) appears to indicate (in plant list) modifications to site landscaping; however, it is not clear on the plan what is being changed and/or added. A blow-up (larger scale) of only the amendment area may be appropriate.
 - Sheet 25.01A (Lighting Plan) appears to indicate (in lighting schedule) modifications to site lighting; however, it is not clear what is proposed since the plan depicts "D" and "E" fixtures near the tire center, and the schedule has "A", "B" and "F" fixtures modified in the table. Clarify. A blow-up (larger scale) of only the amendment area may be appropriate.
 - Sheet 27.01A (Amended Detail Sheet) is provided. It is unclear to me if actual work is proposed for each detail provided. Explain/Clarify.
3. The plan set includes an "Amended Grading and Drainage Plan" whereas it was my understanding no changes to site grading and/or drainage are proposed. Explain. Delete sheet if not needed. Same for Utility Plan sheet 23.01A.
 4. To my knowledge, there are no other Involved Agencies for this application. As such, the Planning Board may wish to assume the position of Lead Agency under the SEQRA review process.
 5. The Planning Board should consider authorizing the mandatory Public Hearing for this Special Permit use, per the requirements of Section 300-87 of the Town Zoning Local Law.
 6. This project is adjacent to NYS Route 32, a State Highway, as such, must be referred to the Orange County Planning Department as per New York State General Municipal Law (GML 239).

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board

MJE/st
NW08-03-27Feb08.doc

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 02/19/2008

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
ESCROW

FOR PROJECT NUMBER: 8-3

NAME: AUTO REPAIR SERVICE/SALES - BIG V PA2008-20
APPLICANT: JEFFREY ROSENBERG

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
02/14/2008	REC CK. #1787	PAID		750.00	
		TOTAL:	0.00	750.00	-750.00

Jeffrey 2-22-08

B. 08-03 ESCROW

CHASE
Philly Chase Bank, N.A.
New York, New York 10017
www.Chase.com

WVR REAL ESTATE II, LLC
162 NORTH MAIN ST. SUITE 5
FLORIDA, NY 10921

651-3292

1-2/210

Pay: *****Seven hundred fifty dollars and no cents
DATE

January 28, 2008

CHECK NO.

AMOUNT

1787 \$*****750.00

PAY
TO THE
ORDER
OF

Town of New Windsor
555 Union Ave.
New Windsor, NY 12553

[Signature]
AUTHORIZED SIGNATURE

⑈001787⑈ ⑆021000021⑆6801913820⑈

Security features. Details on back.



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

OFFICE OF THE PLANNING BOARD

February 29, 2008

WVR Real Estate II, LLC
162-5 North Main Street
Florida, NY 10921

ATTN: DIANE

Dear Diane:

Please find enclosed, the Engineer's Comments from the February 27th, 2008 Planning Board meeting. Since these comments were already prepared prior to your cancelling from the agenda, you can benefit from reviewing and addressing these comments prior to requesting to be placed on the next available Planning Board agenda.

I hope this is helpful to you and if you have any questions, please feel free to contact me.

Very truly yours,

Myra L. Mason
Myra Mason, Secretary to the
New Windsor Planning Board

**FIRE INSPECTOR'S
INTER-OFFICE CORRESPONDENCE**

TO: Genaro Argenio, Planning Board Chairman

FROM: Kenneth Schermerhorn, Asst. Fire Inspector (KS)

SUBJECT: PB-08-03
Mavis Tire
SBL: 65-2-12.1

DATE: February 20, 2008

Fire Prevention Reference Number: FPS-08-007

**A review of the above referenced plan has been conducted and is
approved**

Town of New Windsor

555 Union Avenue

New Windsor, NY 12553

(845) 563-4611

RECEIPT

#103-2008

02/21/2008

WVR Real Estate II, LLC *PB 08-03*

Received \$ 375.00 for Planning Board Fees, on 02/21/2008. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green

Town Clerk



McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

☐ Main Office
33 Airport Center Drive
Suite #202
New Windsor, New York 12553
(845) 567-3100
e-mail: mhemy@mhepc.com

☐ Regional Office
507 Broad Street
Millford, Pennsylvania 18337
(570) 296-2765
e-mail: mhapa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF: **New Windsor**

P/B APP. NO.: **100-3**

WORK SESSION DATE: **23 Jan 08**

PROJECT: **NEW** OLD

REAPPEARANCE AT W/S REQUESTED: **Not now**

RESUB. REQ'D: **See note**

PROJECT NAME: **Bila Partners. - MAVIS TIRE**

REPRESENTATIVES PRESENT: **Jeff Rosenberg**

MUNICIPAL REPS PRESENT:

BLDG INSP.

FIRE INSP.

P/B CHMN

PB ATTY.

PLANNER

OTHER

MHE REP (MJE) (Other)

ITEMS DISCUSSED:

11/4/02 letter

- Same old plans

- rec blue reflector glass

- tie color to building work

- no vehicles outroll

- no drain in

- note re p/ps to vehicle

day of year

*** MYRA IS THERE STILL no change**

AN OLD APP ON THIS?

STND CHECKLIST:

DRAINAGE

DUMPSTER

SCREENING

LIGHTING

(Streetlights)

LANDSCAPING

BLACKTOP

ROADWAYS

APPROVAL BOX

PROJECT STATUS:

ZBA Referral:

Y X N

Ready For Meeting

X Y N

Recommended Mtg Date

**next
avail**

PROJECT TYPE

SITE PLAN

SPEC PERMIT

L L CHG.

SUBDIVISION

OTHER

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

PLANNING BOARD APPLICATION

TYPE OF APPLICATION (check appropriate item):

Subdivision____ Lot Line Change____ Site Plan X Special Permit X

Tax Map Designation: Sec. 65 Block 2 Lot 12.1

BUILDING DEPARTMENT TRACKING NUMBER: PA 2008 - 20
MUST FILL IN THIS NUMBER

1. Name of Project Auto Repair Service/Sales Big V Town Centre

2. Owner of Record WVR Real Estate II, LLC Phone 845-651-3292

Address: 162-5 North Main Street Florida, NY 10921
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant Jeffrey G. Rosenberg Phone 845-651-3292

Address: 162-5 North Main Street Florida, NY 10921
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan Langan Engineering & Enviro. Phone 201-794-6900

Address: River DriveCenter 1 Elmwood Park, NJ 07407
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney _____ Phone _____

Address _____
(Street Name & Number) (Post Office) (State) (Zip)

1. Person to be notified to appear at Planning Board meeting: E-MAIL: jrosenberg@bilapartners.com

Jeffrey G. Rosenberg 845-651-3292 845-651-3322
(Name) (Phone) (fax)

2. Project Location: On the north side of Rte. 32 - Windsor Highway
(Direction) (Street)

8. Project Data: Acreage 29.47 Zone Commercial School Dist. Newburgh Enlarged City

08-03

1/28/08

9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes _____ No X

***This information can be verified in the Assessor's Office.**

***If you answer yes to question 9, please complete the attached AAgricultural Data Statement.**

10. Detailed description of Project: (Use, Size, Number of Lots, etc.) Use of building "D" 4,980 Sq.Ft. freestanding, originally used as entertainment (sale & rental of video/players) business. New tenant, Mavis Discount Tire operating as auto repair service & retail sales.

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes X no _____

12. Has a Special Permit previously been granted for this property? yes X no _____

IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

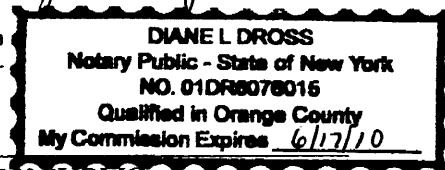
SWORN BEFORE ME THIS:

Jeffrey G. Rosenberg
(OWNER'S SIGNATURE)

28 DAY OF January 2008

(AGENT'S SIGNATURE)

Diane L. Dross



NOTARY PUBLIC

Jeffrey G. Rosenberg
Please Print Agent's Name as Signed

TOWN USE ONLY:

RECEIVED FEB 14 2008
DATE APPLICATION RECEIVED

08-03
APPLICATION NUMBER

TOWN OF NEW WINDSOR PLANNING BOARD
SITE PLAN CHECKLIST

ITEM

1. X Site Plan Title
2. X Provide 4" wide X 2" high box **(IN THE LOWEST RIGHT CORNER OF THE PLAN)** for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SITE PLAN).

SAMPLE:



3. X Applicant's Name(s)
4. X **Tax Map Data (Section, Block & Lot). (PLEASE PUT THE TAX MAP NUMBER IN THE CORNER OF THE APPROVAL BOX ALSO)**
5. X Applicant's Address
6. X Site Plan Preparer's Name
7. X Site Plan Preparer's Address
8. X Drawing Date
9. N/A Revision Dates
10. N/A Area Map Inset and Site Designation
11. X Properties within 500' of site
12. X Property Owners (Item #10)
13. X Plot Plan
14. X Scale (1" = 50' or lesser)
15. X Metes and Bounds
16. X Zoning Designation
17. X North Arrow
18. X Abutting Property Owners
19. X Existing Building Locations
20. X Existing Paved Areas
21. X Existing Vegetation
22. X Existing Access & Egress

23. N/A Landscaping
24. N/A Exterior Lighting
25. N/A Screening
26. X Access & Egress
27. X Parking Areas
28. X Loading Areas
29. X Paving Details (Items 25 - 27)
30. X Curbing Locations
31. X Curbing through section
32. X Catch Basin Locations
33. N/A Catch Basin Through Section
34. N/A Storm Drainage
35. X Refuse Storage
36. X Other Outdoor Storage
37. N/A Water Supply
38. N/A Sanitary Disposal System
39. N/A Fire Hydrants
40. X Building Locations
41. X Building Setbacks
42. X Front Building Elevations
43. X Divisions of Occupancy
44. X Sign Details
45. X Bulk Table Inset
46. X Property Area (Nearest 100 sq. ft.)
47. X Building Coverage (sq. ft.)
48. X Building Coverage (% of total area)
49. X Pavement Coverage (sq. ft.)
50. X Pavement Coverage (% of total area)
51. X Open Space (sq. ft.)
52. X Open Space (% of total area)
53. X No. of parking spaces proposed
54. X No. of parking spaces required

PAGE 2 OF 3

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, AIS THIS PROPERTY
WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN

500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT,
PLEASE NOTE THE FOLLOWING:

55. _____ Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.
56. _____ A disclosure Statement, in the form set below, must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

APrior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasee shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

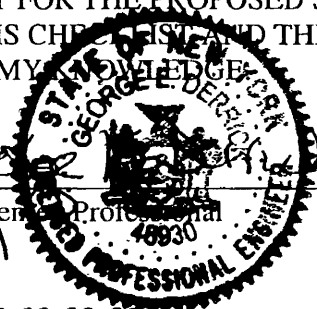
This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGMENT:

THE PLAT FOR THE PROPOSED SITE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: _____

Licensed Professional Engineer



4.21.08

Date

⌘ ⌘ ⌘ ⌘ ⌘ ⌘ PLEASE NOTE: ⌘ ⌘ ⌘ ⌘ ⌘ ⌘

THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? <input type="checkbox"/> Yes <input type="checkbox"/> No	If yes, coordinate the review process and use the FULL EAF.
B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency. <input type="checkbox"/> Yes <input type="checkbox"/> No	
C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible) C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly: C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly: C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly: C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly: C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly: C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly: C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:	
D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:	
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:	

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

- ☐ Check this box if you have identified one or more potentially large or significant adverse impacts which **MAY** occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.
- ☐ Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide, on attachments as necessary, the reasons supporting this determination.

Name of Lead Agency	Date
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from responsible officer)



TOWN OF NEW WINDSOR PLANNING BOARD
SITE PLAN CHECKLIST

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> assessor's listing

PROPOSED IMPROVEMENTS

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24. X Exterior Lighting
25. N/A Screening
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PAGE 2 OF 3

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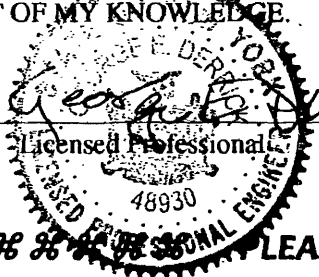
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BY:



Date

⌘ ⌘ ⌘ ⌘ ⌘ PLEASE NOTE: ⌘ ⌘ ⌘ ⌘ ⌘ ⌘

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ATTACHMENTS

- A. Certificate Flood Hazard Area Development.

I DIANE DROSS hereby certify that the property or properties mentioned in this application is/are not located in a flood zone.

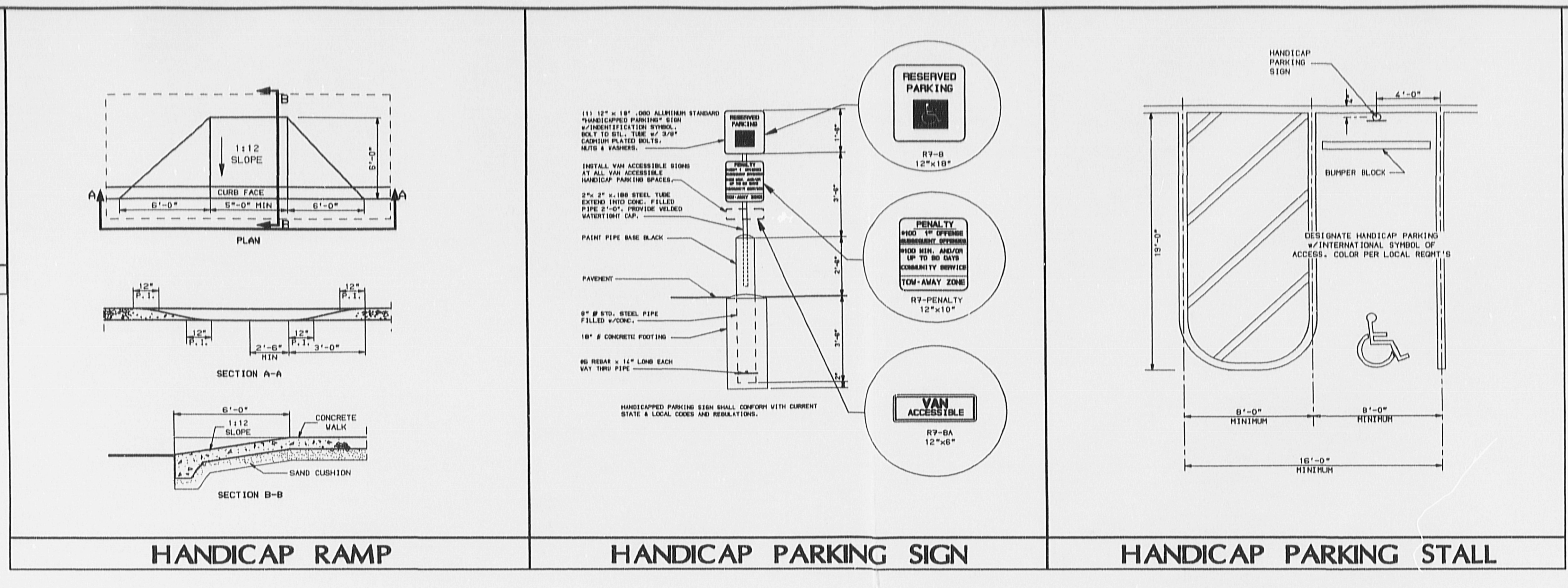
Diane Dross

Signature

PLEASE NOTE:

***IF PROPERTY IS NOT LOCATED IN A FLOOD ZONE, PLEASE SIGN ABOVE VERIFYING THAT. RETURN THIS FORM WITH PLANNING BOARD APPLICATION**

****IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE OBTAIN COMPLETE APPLICATION FROM P.B. SECRETARY.**



BUILDING AREA

BUILDING	AREA
RETAIL B9	10,498
RETAIL B10	6,006
RETAIL B12	12,710
RETAIL B13	6,793
RETAIL B14	5,779
RETAIL B15	800
RETAIL B16	2,026
RETAIL B17	3,000
RETAIL B18	4,000
RETAIL B19	1,457
RETAIL B20	1,581
RETAIL B21	1,837
RETAIL B22	690
RETAIL E	2,503
CALDOR	87,000
SHOPSITE	79,663
TIRE SERVICE CTR	4,980
BANK	2,281
BANK	2,785
RESTAURANT	3,110
TOTAL	240,468

TABLE OF USE/BULK REGULATIONS

ZONE C (DESIGN SHOPPING)	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
MINIMUM LOT AREA (SQ. FT.)	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
MINIMUM LOT WIDTH (FEET)	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
MINIMUM LOT DEPTH (FEET)	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
MINIMUM LOT AREA (SQ. FT.)	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
MINIMUM LOT WIDTH (FEET)	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
MINIMUM LOT DEPTH (FEET)	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
MINIMUM LOT AREA (SQ. FT.)	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000
MINIMUM LOT WIDTH (FEET)	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20
MINIMUM LOT DEPTH (FEET)	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20

